



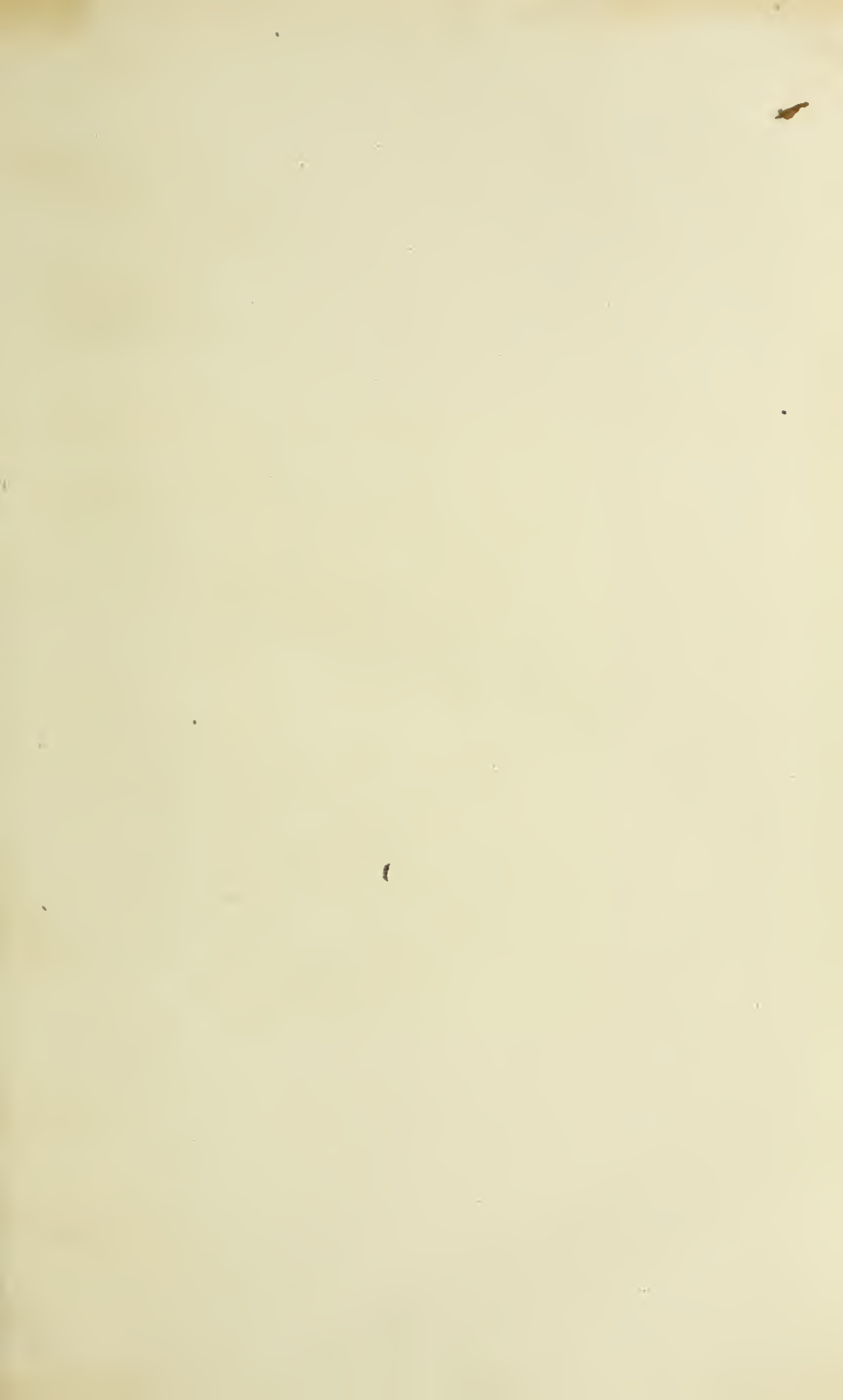
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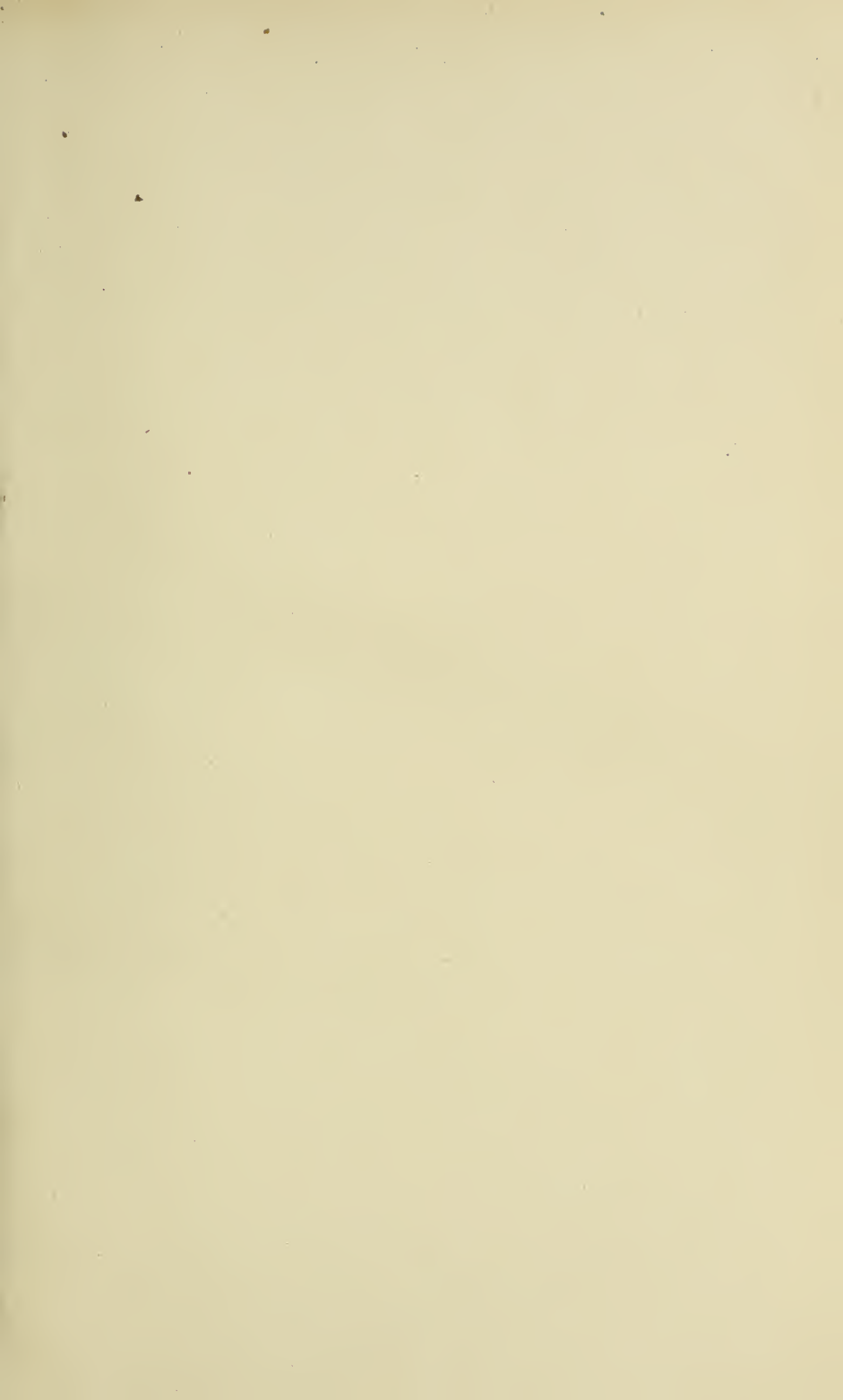
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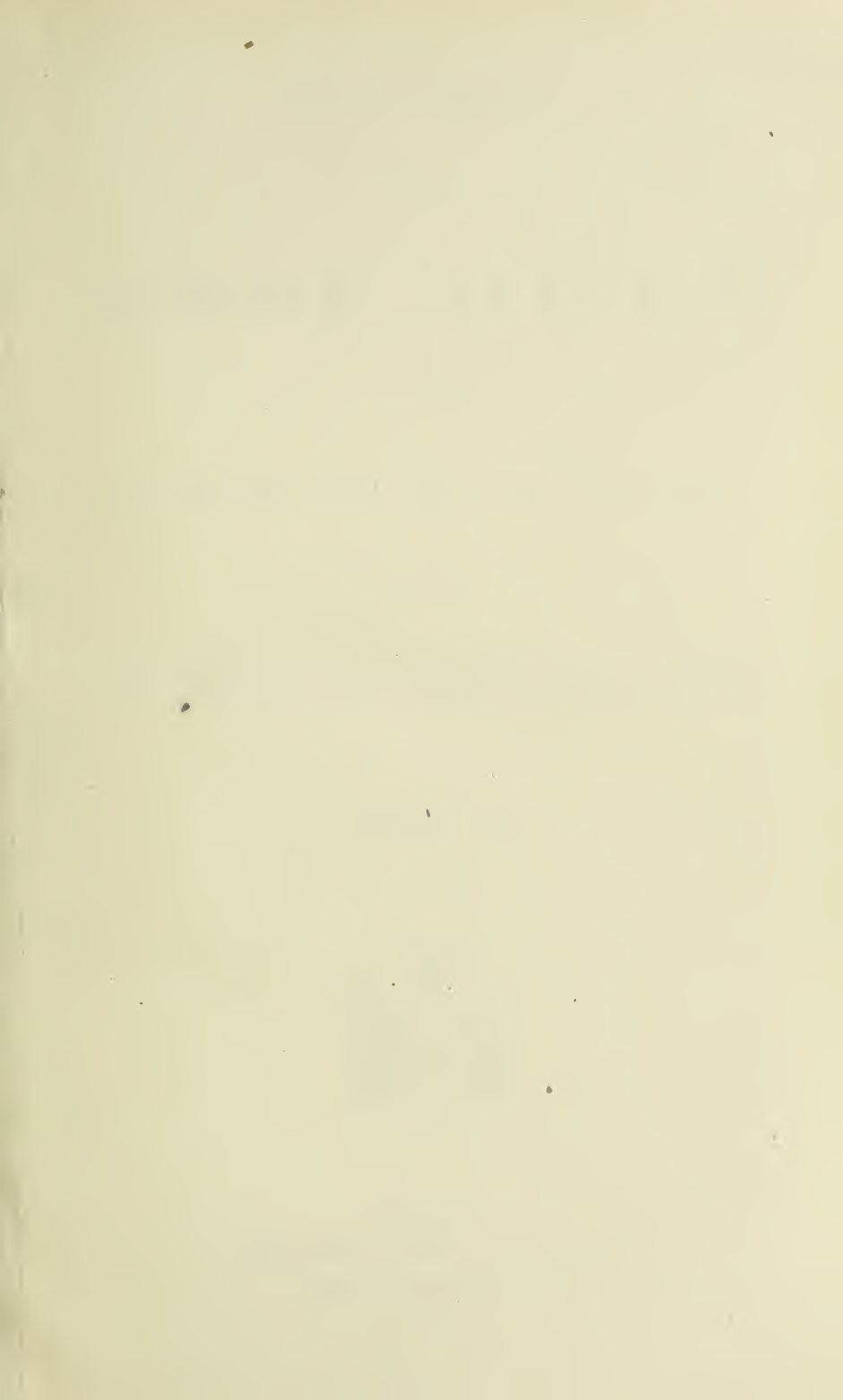




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JOURNAL  
OF THE  
ASSEMBLY

OF THE  
STATE OF NEW YORK

AT THEIR  
ONE HUNDRED AND TWENTY-EIGHTH SESSION

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VOL. V.

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1905





Mr. Speaker, from the committee on rules, to which was referred the bill (No. 2359) entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation" (Int. No. 1588), reported in favor of the passage of the same with the following amendment, and that the same be reprinted as amended, and when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported:

Page 2, line 11, after the word "rent" insert the words "But the prices fixed by this act shall not apply to electric current furnished or sold to the city of New York for electric street lamps in that portion of the borough of the Bronx lying east of the Bronx river, formerly the old town of Westchester."

Which report was agreed to and said bill ordered reprinted as amended, and that when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill (No. 2357) entitled "An act in relation to illuminating gas in the city of New York and regulating the quality and pressure thereof and the price to consumers other than said city and providing a penalty for violation" (Int. No. 1590), reported in favor of the passage of the same with the following amendments, and that the same be reprinted as amended, and when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported:

Page 2, line 9, after the words "Island and in the" insert the words "first ward of the;" also, strike out all after the word "Queens."

Same page, strike out all of line 10.

Same page, line 15, after the word "five" insert the words "and in the second, third and fourth wards of the borough of Queens, the sum of one dollar per one thousand feet;" then make a paragraph numbered "3" and begin the first word "in" with a capital letter.

Which report was agreed to and said bill ordered reprinted as amended, and that when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill (No. 1288) entitled "An act to amend the Liquor Tax Law in relation to local option, persons who shall not traffic in liquors, cancellation proceedings, convictions, and reports and fees of county clerks" (Rec. No. 394), reported in favor of the passage of the same with the following amendments, and that the same be reprinted as amended, and when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported:

Page 13, line 21, after the word "issued" insert and underscore the words "under subdivision three of section eleven."

Page 14, line 18, after the word "subdivision" strike out the words "two or."

Which report was agreed to and said bill ordered reprinted as amended, and that when it shall have been upon the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to provide for the widening of Pelham avenue and for the construction of a bridge to carry Pelham avenue as so widened over the tracks of the New York and Harlem railroad in the city of New York." (No. 1932, Int. No. 1403.)

"An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments." (No. 2338, Int. No. 502.)

"An act to legalize and confirm the proceedings of the board of education and legal voters of union free school district No. 1 of the towns of Luzerne, Warren county, and Hadley, Saratoga county, relative to the levy of a tax payable in installments, and the issuance and sale of certain school bonds of said district, for the purchase of a schoolhouse site and erection of a building thereon." (No. 2238, Int. No. 1541.)

"An act to confer jurisdiction upon the Court of Claims to bear, audit and determine the alleged claim of Helen K. Sheedy against the State of New York for services performed by her as stenographer in the State Department of Public Instruction during the year 1903." (No. 2332, Int. No. 1511.)

"An act to provide a purchasing agent for the county of Schenectady, and regulating the management of said office." (No. 2340, Int. No. 964.)

"An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits." (No. 2341, Int. No. 476.)

Mr. Rogers moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

|           |         |          |          |              |
|-----------|---------|----------|----------|--------------|
| Allen F E | Coutant | Hubbs    | Perry    | Standart     |
| Allen J G | Cowan   | Hurd     | Phillips | Stanley      |
| Anderson  | Cox     | Knapp    | Plank    | Stevens      |
| Apgar     | Dale    | La Fetra | Pratt    | Sullivan     |
| Bass      | Dodd    | La Rue   | Prentice | Tenjust      |
| Becker    | Dowling | Leggett  | Prince   | Thompson G F |
| Bedell    | Ellis   | Lewis    | Reeve    | Thompson J A |
| Beebe     | Etzel   | Maier    | Reilly   | Thonet       |

|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Beihlf      | Evans      | Malloy       | Rigby        | Tompkins    |
| Bird        | Fish       | Mathews T F  | Rogers       | Waddell     |
| Bisland     | Fitzsimons | Matthews C R | Salomon      | Wade        |
| Brady       | Foelker    | McKeown      | Sammon       | Wagner      |
| Brooks      | Foster     | McManus      | Santee       | Wadsworth   |
| Burnett     | Francisco  | Mead         | Scovill      | Wainwright  |
| Burns       | Freidel    | Merritt      | Shanahan     | Wedemeyer   |
| Byrne       | Fuller     | Miller       | Sheehy       | West        |
| Cadin       | Gates      | Monroe       | Sheldon      | Whitney F G |
| Cahn        | Grady      | Moreland     | Sherry       | Whitney G H |
| Callahan    | Gray       | Murphy       | Shuttleworth | Wiegand     |
| Carrier     | Hackett    | Newton       | Slocum       | Wilsnack    |
| Caughlan    | Hammond    | Ogden        | Smith A P    | Wilson      |
| Charles E E | Hanford    | O'Neill      | Smith A E    | Wolf        |
| Charles W B | Hapeman    | Palmer       | Smith J E    | Wood F C    |
| Cooke       | Hartman    | Parker       | Smith J T    | Wood F X    |
| Coon        | Hastings   | Patton       | Smith R H    | Yale        |
| Cotton      | Hooker     | Pendry       |              |             |

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The Clerk furnished a list of absentees to the Sergeant-at-Arms, who appeared in due time before the bar of the House with Messrs. Rigby and Agnew, each of whom, upon giving satisfactory explanation for being absent, was excused.

Mr. Rogers moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 124) entitled "An act to extend the time of the New York Connecting Railroad Company to commence and complete the construction of its bridge across the East river, as authorized by chapter 752 of the Laws of 1900." (Rec. No. 334.)

Debate was had thereon, when

Mr. Rogers moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 84

NOES 44

Those who voted in the affirmative were:

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Agnew       | Coon      | Hooker       | Patton       | Stanley      |
| Allen F E   | Cotton    | Hubbs        | Phillips     | Stevens      |
| Allen J G   | Coutant   | Hurd         | Plank        | Thompson G F |
| Apgar       | Cowan     | Knapp        | Pratt        | Waddell      |
| Bass        | Cox       | La Rue       | Prentice     | Wade         |
| Becker      | Evans     | Léggett      | Reeve        | Wadsworth    |
| Bedell      | Fish      | Lewis        | Rogers       | West         |
| Beebe       | Foster    | Maier        | Santee       | Whitney F G  |
| Beihlf      | Francisco | Matthews C R | Schoeneck    | Whitney G H  |
| Bisland     | Freidel   | Mead         | Scovill      | Wilsnack     |
| Brady       | Gates     | Merritt      | Sheldon      | Wilson       |
| Brooks      | Gray      | Miller       | Shuttleworth | Wood F C     |
| Burnett     | Gurnett   | Monroe       | Slocum       | Wood F X     |
| Cadin       | Hammond   | Moreland     | Smith A P    | Yale         |
| Callahan    | Hanford   | Newton       | Smith J E    | Young        |
| Carrier     | Hapeman   | Ogden        | Smith J T    | Speaker      |
| Charles W B | Hastings  | Parker       | Standart     |              |

Those who voted in the negative were:

|             |            |             |           |              |
|-------------|------------|-------------|-----------|--------------|
| Anderson    | Everett    | La Fetra    | Prince    | Tenjost      |
| Burzynski   | Fitzsimons | Malloy      | Reilly    | Thompson J A |
| Cahn        | Foelker    | Mathews T F | Rigby     | Thonet       |
| Charles E E | Hooker     | McManus     | Salomon   | Tompkins     |
| Cooke       | Grady      | Murphy      | Sammon    | Wagner       |
| Dodd        | Hackett    | Nugent      | Shanahan  | Wainwright   |
| Donovan     | Hartman    | Palmer      | Sherry    | Wedemeyer    |
| Ellis       | Hornidge   | Pendry      | Smith A E | Wiegand      |
| Etzel       | Kavanaugh  | Perry       | Smith R H |              |

Mr. Palmer.—Before announcing the result, I desire to have the Speaker hold that this bill, giving away to a private corporation property of the State, requires 100 votes before it can be passed—

Mr. Speaker.—The Chair will not so hold—upon an examination of the bill.

Mr. Palmer.—Owing to the act of the Legislature of the State of New York, franchises are made real estate; and, therefore, if one be given to a corporation it is giving away property to a corporation which is known by the laws of the State to be real estate. The Constitution of the State provides that no property belonging to the State, or which could belong to it, can be given to a corporation or a private individual, unless it be by a two-thirds vote of the members of this House.

Mr. Speaker.—The gentleman's statement will be recorded upon the journal. The bill has been passed.

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 782) entitled "An act to extend the time of the New York Connecting Railroad Company to finish its road and put the same in operation." (Rec. No. 333.)

Debate was had thereon, when

Mr. Rogers moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 50

Those who voted in the affirmative were:

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Agnew       | Coon      | Hooker       | Patton       | Standart     |
| Allen F E   | Cotton    | Hubbs        | Phillips     | Stanley      |
| Allen J G   | Coutant   | Hurd         | Plank        | Stevens      |
| Apgar       | Cox       | Knapp        | Platt        | Thompson G F |
| Bass        | Evans     | La Rue       | Pratt        | Waddell      |
| Becker      | Fish      | Leggett      | Prentice     | Wade         |
| Bedell      | Foelker   | Lewis        | Reeve        | Wadsworth    |
| Beebe       | Foster    | Maier        | Rogers       | West         |
| Beihlf      | Francisco | Matthews C R | Santee       | Whitney F G  |
| Bisland     | Freidel   | Mead         | Schoeneck    | Whitney G H  |
| Brady       | Gates     | Merritt      | Scovill      | Wilsnack     |
| Brooks      | Gray      | Miller       | Sheldon      | Wilson       |
| Burnett     | Gurnett   | Monroe       | Shuttleworth | Wood F C     |
| Cadin       | Hammond   | Moreland     | Slocum       | Wood F X     |
| Callahan    | Hanford   | Newton       | Smith A P    | Yale         |
| Carrier     | Hapeman   | Ogden        | Smith J E    | Young        |
| Charles W B | Hastings  | Parker       | Smith J T    | Speaker      |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Anderson  | Dodd       | Kavanaugh   | Prince     | Sullivan     |
| Bird      | Donovan    | La Fetra    | Reilly     | Tenjest      |
| Burns     | Ellis      | Malloy      | Rosenstein | Thompson J A |
| Burzynski | Everett    | Mathews T F | Salomon    | Thonet       |
| Byrne     | Fitzsimons | McManus     | Sammon     | Tompkins     |

|             |          |        |           |            |
|-------------|----------|--------|-----------|------------|
| Cahn        | Fuller   | Murphy | Shanahan  | Wagner     |
| Caughlan    | Grady    | Nugent | Sheehy    | Wainwright |
| Charles E E | Hackett  | Palmer | Sherry    | Wedemeyer  |
| Cooke       | Hartman  | Pendry | Smith A E | Wiegand    |
| Cowan       | Hornidge | Perry  | Smith R H | Wolf       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 315, Assembly reprint No. 2317) entitled "An act to amend the Civil Service Law, in relation to veterans." (Rec. No. 154.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 2

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coon       | Hammond      | Palmer       | Smith J T    |
| Allen J G   | Cotton     | Hanford      | Parker       | Smith R H    |
| Anderson    | Coutant    | Hartman      | Pendry       | Standart     |
| Apgar       | Cowan      | Hastings     | Perry        | Stanley      |
| Bass        | Cox        | Hooper       | Phillips     | Stevens      |
| Becker      | Cunningham | Hornidge     | Plank        | Sullivan     |
| Bedell      | Dale       | Hubbs        | Pratt        | Thompson G F |
| Beebe       | Donovan    | Kavanaugh    | Prentice     | Thompson J A |
| Beihilf     | Dowling    | Knapp        | Prince       | Thonet       |
| Bird        | Etsel      | La Rue       | Quinn        | Waddell      |
| Bisland     | Evans      | Leggett      | Reeve        | Wade         |
| Brady       | Everett    | Machacek     | Rigby        | Wadsworth    |
| Brooks      | Fish       | Maier        | Rogers       | Wainwright   |
| Burns       | Fitzsimons | Malloy       | Rosenstein   | West         |
| Burzynski   | Foelker    | Mathews T F  | Sammon       | Wemple       |
| Byrne       | Francisco  | Matthews C R | Santee       | Whitney F G  |
| Cadin       | Freidel    | McKeown      | Schoeneck    | Wiegand      |
| Cahn        | Gardner    | McManus      | Shanahan     | Wilsnack     |
| Callahan    | Gates      | Merritt      | Sheehy       | Wilson       |
| Carrier     | Grady      | Monroe       | Sherry       | Wolf         |
| Caughlan    | Grattan    | Moreland     | Shuttleworth | Wood F X     |
| Charles E E | Gray       | Newton       | Smith A P    | Yale         |
| Charles W B | Gurnett    | Nugent       | Smith A E    | Young        |
| Cooke       | Hackett    | O'Neill      |              |              |

Those who voted in the negative were:

Hooker      Tompkins

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 643, Assembly reprint No. 2324) entitled: "An act to provide for the payment of expenses of members of special committees of the board of supervisors of Oneida county." (Rec. No. 257.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 55

NOES 49

Those who voted in the affirmative were:

|          |             |              |              |           |
|----------|-------------|--------------|--------------|-----------|
| Apgar    | Charles W B | Hastings     | Plank        | Smith J T |
| Bass     | Coutant     | Hurd         | Pratt        | Stanley   |
| Becker   | Cunningham  | La Rue       | Prentice     | Thonet    |
| Bedell   | Dodd        | Lewis        | Rigby        | Waddell   |
| Beebe    | Dowling     | Maier        | Schoeneck    | Wade      |
| Beihlf   | Foster      | Matthews C R | Scovill      | West      |
| Brady    | Gardner     | Miller       | Sheldon      | Wilsnack  |
| Brooks   | Gates       | Moreland     | Shuttleworth | Wilson    |
| Burnett  | Gray        | Murphy       | Slocum       | Wood F X  |
| Callahan | Hammond     | Parker       | Smith A P    | Yale      |
| Carrier  | Hartman     | Patton       | Smith J E    | Young     |

Those who voted in the negative were:

|           |           |             |              |              |
|-----------|-----------|-------------|--------------|--------------|
| Allen J G | Donovan   | Malloy      | Salomon      | Thompson J A |
| Anderson  | Evans     | Mathews T F | Sammon       | Tompkins     |
| Bird      | Foelker   | McKeown     | Shanahan     | Wagner       |
| Burzynski | Fuller    | McManus     | Sheehy       | Wadsworth    |
| Cahn      | Grady     | Newton      | Sherry       | Wainwright   |
| Caughlan  | Hackett   | Nugent      | Smith A E    | Wedemeyer    |
| Cooke     | Hooker    | Palmer      | Smith R H    | Whitney F G  |
| Coon      | Hubbs     | Phillips    | Stevens      | Wiegand      |
| Cowan     | Kavanaugh | Prince      | Tenjust      | Wolf         |
| Cox       | La Petra  | Reeve       | Thompson G F |              |

Mr. Gates moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2336) entitled "An act to amend the Liquor Tax Law, in relation to special deputy commissioners, excise taxes, local option, persons who shall not traffic in liquors, cancellation proceedings, injunction proceedings, special liquor tax certificates, convictions, and reports and fees of county clerks." (Int. No. 1332.)

Mr. Tompkins moved that said bill be recommitted to the committee on excise, with instructions to report the same forthwith amended as follows:

Strike out new matter beginning with the word "upon," line 18, page 18, and ending with the word "procedure," line 22, page 19.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 6

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Allen F E | Cowan      | Kavanaugh    | Perry      | Steele       |
| Allen J G | Dodd       | Knapp        | Plank      | Stevens      |
| Anderson  | Dowling    | La Fetra     | Pratt      | Sullivan     |
| Apgar     | Etzel      | La Rue       | Prentice   | Thompson G F |
| Bass      | Evans      | Leggett      | Prince     | Thompson J A |
| Becker    | Fitzsimons | Lewis        | Reeve      | Waddell      |
| Bedell    | Foster     | Maier        | Rigby      | Wade         |
| Beebe     | Francisco  | Malloy       | Rogers     | Wagner       |
| Beihlf    | Freidel    | Matthews C R | Rosenstein | Wadsworth    |
| Bird      | Fuller     | McManus      | Salomon    | Wainwright   |
| Burnett   | Gardner    | Merritt      | Sammon     | Wedemeyer    |
| Burns     | Gates      | Miller       | Santee     | West         |
| Burzynski | Grady      | Monroe       | Schoeneck  | Wemple       |
| Byrne     | Gurnett    | Moreland     | Scovill    | Whitney F G  |
| Cadin     | Hackett    | Murphy       | Shanahan   | Wiegand      |

|             |          |         |           |          |
|-------------|----------|---------|-----------|----------|
| Cahn        | Hammond  | Newton  | Sheehy    | Wilsnack |
| Callahan    | Hanford  | Nugent  | Sherry    | Wilson   |
| Carrier     | Hapeman  | Ogden   | Smith A P | Wolf     |
| Charles E E | Hartman  | O'Neill | Smith A E | Wood F C |
| Charles W B | Hastings | Parker  | Smith J E | Wood F X |
| Coon        | Hooker   | Patton  | Smith J T | Yale     |
| Cotton      | Hubbs    | Pendry  | Standart  | Young    |
| Coutant     | Hurd     |         |           |          |

Those who voted in the negative were:

|       |        |          |              |          |
|-------|--------|----------|--------------|----------|
| Brady | Palmer | Phillips | Shuttleworth | Tompkins |
| Cooke |        |          |              |          |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Phillips in the chair.

Mr. Speaker announced the special order, being the bill (No. 1457) entitled "An act to amend the Primary Election Law, in relation to representation in committees and conventions in certain counties." (Int. No. 1171.)

Debate was had thereon, when

Mr. Rogers moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 86

NOES 36

Those who voted in the affirmative were:

|           |         |              |           |             |
|-----------|---------|--------------|-----------|-------------|
| Allen F E | Cox     | Hurd         | Pendry    | Smith J T   |
| Allen J G | Etzel   | Knapp        | Perry     | Standart    |
| Apgar     | Evans   | La Rue       | Phillips  | Stanley     |
| Bass      | Fish    | Leggett      | Plank     | Stevens     |
| Becker    | Foelker | Lewis        | Pratt     | Waddell     |
| Bedell    | Foster  | Maier        | Prentice  | Wade        |
| Beebe     | Freidel | Matthews C R | Reeve     | Wadsworth   |
| Beihlf    | Gardner | Mead         | Rigby     | West        |
| Bisland   | Gates   | Merritt      | Rogers    | Wemple      |
| Brady     | Gray    | Miller       | Santee    | Whitney F G |
| Burnett   | Hammond | Monroe       | Schoeneck | Whitney G H |

|             |          |          |              |          |
|-------------|----------|----------|--------------|----------|
| Callahan    | Hanford  | Moreland | Scovill      | Wilsnack |
| Carrier     | Hapeman  | Murphy   | Sheldon      | Wilson   |
| Charles E E | Hartman  | Newton   | Shuttleworth | Wood F C |
| Charles W B | Hastings | Ogden    | Slocum       | Wood F X |
| Cotton      | Hooker   | Parker   | Smith A P    | Young    |
| Coutant     | Hubbs    | Patton   | Smith J E    | Speaker  |
| Cowan       |          |          |              |          |

Those who voted in the negative were:

|           |            |             |            |           |
|-----------|------------|-------------|------------|-----------|
| Anderson  | Dodd       | Kavanaugh   | Prince     | Smith R H |
| Bird      | Donovan    | La Fetra    | Reilly     | Sullivan  |
| Brooks    | Ellis      | Malloy      | Rosenstein | Tompkins  |
| Burzynski | Fitzsimons | Mathews T F | Shanahan   | Wagner    |
| Cahn      | Fuller     | McManus     | Sheehy     | Wedemeyer |
| Caughlan  | Grady      | Nugent      | Sherry     | Wiegand   |
| Cooke     | Hackett    | Palmer      | Smith A E  | Wolf      |
| Dale      |            |             |            |           |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker in the chair.

Mr. Speaker announced the special order, being the Senate bill (No. 606, Assembly reprint No. 2262) entitled "An act to amend chapter 909 of the Laws of 1896, being an act entitled 'An act in relation to the elections, constituting chapter 6 of the general laws,' passed May 27, 1896, by adding thereto an additional article, to be known as article 9." (Rec. No. 295.)

Said bill having been announced for a second reading,

Mr. Merritt moved to amend as follows:

Page 7, line 19, strike out the word "not."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 75

NOES 51

Those who voted in the affirmative were:

|           |            |          |              |              |
|-----------|------------|----------|--------------|--------------|
| Allen F E | Coon       | Hurd     | Plank        | Stanley      |
| Allen J G | Cowan      | Knapp    | Platt        | Steele       |
| Apgar     | Cox        | Maier    | Pratt        | Stevens      |
| Bass      | Cunningham | Mead     | Rigby        | Tenjest      |
| Bedell    | Dowling    | Merritt  | Rogers       | Thompson G F |
| Beebe     | Foelker    | Miller   | Santee       | Thonet       |
| Beihlf    | Foster     | Monroe   | Schoeneck    | Waddell      |
| Bisland   | Freidel    | Moreland | Scovill      | Wade         |
| Brady     | Gray       | Murphy   | Sheldon      | Wadsworth    |
| Brooks    | Hammond    | O'Neill  | Shuttleworth | West         |
| Burnett   | Hanford    | Parker   | Slocum       | Wilsnack     |

|             |          |          |           |          |
|-------------|----------|----------|-----------|----------|
| Cadin       | Hapeman  | Patton   | Smith A P | Wood F C |
| Callahan    | Hastings | Pendry   | Smith J E | Wood F X |
| Carrier     | Hooker   | Perry    | Smith J T | Yale     |
| Charles E E | Hubbs    | Phillips | Standart  | Young    |

Those who voted in the negative were:

|           |          |              |            |              |
|-----------|----------|--------------|------------|--------------|
| Agnew     | Ellis    | Kavanaugh    | Ogden      | Smith R H    |
| Anderson  | Evans    | La Fetra     | Palmer     | Thompson J A |
| Bird      | Everett  | La Rue       | Prentice   | Tompkins     |
| Burzynski | Fuller   | Lewis        | Prince     | Wagner       |
| Cahn      | Gardner  | Malloy       | Reilly     | Wainwright   |
| Caughlan  | Gates    | Mathews T F  | Rosenstein | Wedemeyer    |
| Cooke     | Grady    | Matthews C R | Salomon    | Wemple       |
| Cotton    | Hackett  | McKeown      | Shanahan   | Whitney G H  |
| Dale      | Hartman  | Newton       | Sheehy     | Wiegand      |
| Dodd      | Hornidge | Nugent       | Smith A E  | Wolf         |
| Donovan   |          |              |            |              |

Ordered, That said bill as amended be printed and restored to the order of second reading.

Mr. Speaker announced the special order, being the Senate bill (No. 348) entitled "An act to create the office of attorney of the board of supervisors of Oneida county." (Rec. No. 238.)

Mr. Cooke.—Mr. Speaker, I wish to raise the point that the title of the bill is defective, in that it assumes to create the office of attorney of the board of supervisors of Oneida county, an office which is already in existence and for which the board of supervisors of Oneida county now have the power to create, and that it is not the creation of a new office, but is an amendment of some existing law under which the board of supervisors of Oneida county——

Mr. Speaker.—The Chair will have to hold the point of order not well taken, because it has always been the custom here not to pass upon the question of drafting of Senate bills here; and upon the other side upon the drafting of Assembly bills. This bill is not prepared under our rules, but is prepared under the Senate rules, and we have no joint rules.

On motion of Mr. Gates, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

## NOES 94

## NOES 44

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hastings     | Pendry       | Stanley      |
| Allen F E   | Coutant    | Hooker       | Perry        | Steele       |
| Allen J G   | Cowan      | Hooper       | Phillips     | Stevens      |
| Appar       | Cunningham | Hubbs        | Plank        | Thompson G F |
| Bass        | Dowling    | Hurd         | Platt        | Thonet       |
| Becker      | Etzel      | Knapp        | Pratt        | Waddell      |
| Bedell      | Evans      | Leggett      | Prentice     | Wade         |
| Beebe       | Fish       | Lewis        | Reeve        | Wadsworth    |
| Beihlf      | Foelker    | Maier        | Rigby        | Wainwright   |
| Bisland     | Foster     | Matthews C R | Rogers       | West         |
| Brady       | Francisco  | Mead         | Santee       | Wemple       |
| Brooks      | Freidel    | Miller       | Scovill      | Whitney F G  |
| Burnett     | Gardner    | Monroe       | Sheldon      | Whitney G H  |
| Cadin       | Gates      | Moreland     | Shuttleworth | Wilson       |
| Callahan    | Gray       | Murphy       | Slocum       | Wood F C     |
| Carrier     | Hammond    | Ogden        | Smith A P    | Wood F X     |
| Charles E E | Hanford    | O'Neill      | Smith J E    | Yale         |
| Charles W B | Hapeman    | Parker       | Smith J T    | Young        |
| Coon        | Hartman    | Patton       | Standart     |              |

Those who voted in the negative were:

|           |           |             |            |              |
|-----------|-----------|-------------|------------|--------------|
| Anderson  | Donovan   | La Fetra    | Quinn      | Smith R H    |
| Bird      | Ellis     | Machacek    | Reilly     | Sullivan     |
| Burns     | Everett   | Malloy      | Rosenstein | Thompson J A |
| Burzynski | Fuller    | Mathews T F | Salomon    | Tompkins     |
| Byrne     | Grady     | McKeown     | Sammon     | Wagner       |
| Cahn      | Gurnett   | McManus     | Shanahan   | Wedemeyer    |
| Caughlan  | Hackett   | Nugent      | Sheehy     | Wiegand      |
| Cooke     | Hornidge  | Palmer      | Sherry     | Wolf         |
| Dale      | Kavanaugh | Prince      | Smith A E  |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 826, Assembly reprint No. 2311) entitled "An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class,' relative to certain ordinances." (Rec. No. 175.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 3

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hanford      | Parker       | Smith A E    |
| Allen F E   | Cowan      | Hartman      | Patton       | Smith J E    |
| Allen J G   | Cunningham | Hastings     | Pendry       | Smith J T    |
| Anderson    | Dale       | Hooker       | Perry        | Standart     |
| Bass        | Dodd       | Hornidge     | Phillips     | Stanley      |
| Becker      | Donovan    | Hubbs        | Plank        | Steele       |
| Bedell      | Dowling    | Hurd         | Platt        | Sullivan     |
| Beebe       | Ellis      | Knapp        | Pratt        | Tenjost      |
| Beihlf      | Etzel      | La Rue       | Prentice     | Thompson J A |
| Bisland     | Evans      | Leggett      | Quinn        | Thonet       |
| Brady       | Everett    | Lewis        | Reeve        | Waddell      |
| Brooks      | Fish       | Maier        | Reilly       | Wade         |
| Burnett     | Fitzsimons | Malloy       | Rigby        | Wagner       |
| Burns       | Foelker    | Mathews T F  | Rogers       | Wainwright   |
| Byrne       | Foster     | Matthews C R | Rosenstein   | Wedemeyer    |
| Cadin       | Freidel    | McKeown      | Salomon      | West         |
| Cahn        | Fuller     | McManus      | Santee       | Whitney F G  |
| Callahan    | Gardner    | Merritt      | Schoeneck    | Whitney G H  |
| Carrier     | Gates      | Miller       | Scovill      | Wilsnack     |
| Caughlan    | Grady      | Moreland     | Shanahan     | Wilson       |
| Charles E E | Grattan    | Murphy       | Sheldon      | Wood F C     |
| Charles W B | Gray       | Newton       | Shuttleworth | Wood F X     |
| Coon        | Hackett    | Ogden        | Slocum       | Yale         |
| Cotton      | Hammond    | O'Neill      | Smith A P    | Young        |

Those who voted in the negative were:

|       |          |        |
|-------|----------|--------|
| Cooke | La Fetra | Palmer |
|-------|----------|--------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1445) entitled "An act to amend the Liquor Tax Law, relative to the obtaining and filing of consents after the revocation of a liquor tax certificate." (Rec. No. 442.)

On motion of Mr. Ogden, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihilf     | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 881) entitled "An act to amend chapter 507 of the Laws of 1903, entitled 'An act to abolish certain grade crossings of highways and railroads in the borough of Brooklyn in the city of

New York and county of Kings, and providing for necessary changes in the grades of highways, streets and avenues, and of portions of the railroad and right of way of the New York, Brooklyn and Manhattan Beach Railway Company, leased to the Long Island Railroad Company, and of the Brooklyn Union Elevated Railroad Company, leased to the Brooklyn Heights Railroad Company, so as to abolish present and avoid future crossings at grade, and providing means for the payment for such alterations or changes as amended by chapter 603 of the Laws of 1904.''' (Rec. No. 349.)

On motion of Mr. O'Neill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 2

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Allen F E   | Cox        | Hooker      | Parker       | Smith J T    |
| Allen J G   | Cunningham | Hooper      | Patton       | Smith R H    |
| Anderson    | Dale       | Hornidge    | Pendry       | Stanley      |
| Apgar       | Dodd       | Hubbs       | Perry        | Steele       |
| Bass        | Dowling    | Hurd        | Phillips     | Stevens      |
| Becker      | Ellis      | Kavanaugh   | Plank        | Sullivan     |
| Bedell      | Etzel      | Knapp       | Platt        | Thompson G F |
| Beebe       | Evans      | La Fetra    | Pratt        | Thompson J A |
| Beihliff    | Everett    | La Rue      | Prince       | Thonet       |
| Bird        | Fish       | Leggett     | Quinn        | Tompkins     |
| Brady       | Foelker    | Lewis       | Reeve        | Waddell      |
| Brooks      | Foster     | Maier       | Rigby        | Wagner       |
| Burnett     | Francisco  | Malloy      | Rogers       | Wadsworth    |
| Burns       | Freidel    | Mathews T F | Rosenstein   | Wedemeyer    |
| Burzynski   | Fuller     | Mathews C R | Salomon      | West         |
| Byrne       | Gardner    | McKeown     | Sammon       | Wemple       |
| Cadin       | Gates      | McManus     | Schoeneck    | Wiegand      |
| Cahn        | Grady      | Merritt     | Scovill      | Wilsnack     |
| Callahan    | Grattan    | Miller      | Shanahan     | Wilson       |
| Carrier     | Gray       | Moreland    | Sheehy       | Wolf         |
| Caughlan    | Gurnett    | Murphy      | Sheldon      | Wood F C     |
| Charles E E | Hackett    | Newton      | Shuttleworth | Wood F X     |



|             |          |         |           |       |
|-------------|----------|---------|-----------|-------|
| Charles W B | Hanford  | Ogden   | Slocum    | Yale  |
| Coon        | Hartman  | O'Neill | Smith A P | Young |
| Coutant     | Hastings | Palmer  | Smith J E |       |

Those who voted in the negative were:

|        |             |
|--------|-------------|
| Cotton | Whitney G H |
|--------|-------------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1054) entitled "An act to amend the Penal Code in relation to crimes against the elective franchises." (Rec. No. 338.)

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 97

NOES 43

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hubbs        | Pendry       | Steele       |
| Allen F E   | Cox        | Hurd         | Perry        | Stevens      |
| Apgar       | Cunningham | Knapp        | Plank        | Tenjost      |
| Bass        | Dowling    | La Rue       | Platt        | Thompson G F |
| Becker      | Etzel      | Leggett      | Pratt        | Thonet       |
| Bedell      | Evans      | Lewis        | Prentice     | Waddell      |
| Beebe       | Fish       | Maier        | Reeve        | Wade         |
| Beihlf      | Foelker    | Matthews C R | Rigby        | Wadsworth    |
| Bisland     | Foster     | Mead         | Rogers       | Wainwright   |
| Brady       | Freidel    | Merritt      | Santee       | West         |
| Brooks      | Gardner    | Miller       | Schoeneck    | Wemple       |
| Burnett     | Gates      | Monroe       | Scovill      | Whitney F G  |
| Cadin       | Gray       | Moreland     | Sheldon      | Whitney G H  |
| Callahan    | Hammond    | Murphy       | Shuttleworth | Wilsnack     |
| Carrier     | Hanford    | Newton       | Slocum       | Wilson       |
| Charles E E | Hapeman    | Ogden        | Smith A P    | Wood F C     |
| Charles W B | Hartman    | O'Neill      | Smith J E    | Wood F X     |
| Coon        | Hastings   | Parker       | Standart     | Yale         |
| Cotton      | Hooker     | Patton       | Stanley      | Young        |
| Coutant     | Hooper     |              |              |              |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Anderson  | Donovan    | Kavanaugh   | Quinn      | Smith A E    |
| Bird      | Ellis      | La Fetra    | Reilly     | Sullivan     |
| Burns     | Everett    | Machacek    | Rosenstein | Thompson J A |
| Burzynski | Fitzsimons | Mathews T F | Salomon    | Tompkins     |
| Cahn      | Fuller     | McKeown     | Sammon     | Wagner       |
| Caughlan  | Grady      | McManus     | Shanahan   | Wedemeyer    |
| Cooke     | Gurnett    | Nugent      | Sheehy     | Wiegand      |
| Dale      | Hackett    | Palmer      | Smith A P  | Wolf         |
| Dodd      | Hornidge   | Prince      |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1177) entitled "An act to amend chapter 347 of the Laws of 1903, entitled 'An act to provide for annual reports by cities of the second and third class of their financial condition,' in relation to compelling the making of such reports." (Rec. No. 415.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 3

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Coutant    | Hartman      | Parker     | Smith A E    |
| Allen J G | Cowan      | Hastings     | Patton     | Smith J E    |
| Anderson  | Cox        | Hooker       | Pendry     | Smith J T    |
| Bass      | Dale       | Hooper       | Perry      | Standart     |
| Becker    | Dodd       | Hornidge     | Phillips   | Steele       |
| Bedell    | Donovan    | Hurd         | Plank      | Stevens      |
| Beebe     | Ellis      | Kavanaugh    | Platt      | Tenjest      |
| Beihilf   | Evans      | Knapp        | Pratt      | Thompson G F |
| Bird      | Everett    | La Fetra     | Prentice   | Thonet       |
| Bisland   | Fitzsimons | Leggett      | Quinn      | Tompkins     |
| Brady     | Foelker    | Machacek     | Reeve      | Waddell      |
| Brooks    | Foster     | Maier        | Reilly     | Wade         |
| Burnett   | Francisco  | Malloy       | Rigby      | Wadsworth    |
| Burns     | Freidel    | Matthews C R | Rosenstein | Wainwright   |
| Burzynski | Fuller     | McKeown      | Sammon     | West         |
| Byrne     | Gardner    | McManus      | Santee     | Wemple       |

|             |         |          |              |             |
|-------------|---------|----------|--------------|-------------|
| Cadin       | Gates   | Mead     | Schoeneck    | Whitney G H |
| Cahn        | Grady   | Miller   | Scovill      | Wiegand     |
| Callahan    | Grattan | Moreland | Shanahan     | Wilson      |
| Carrier     | Gray    | Murphy   | Sheldon      | Wolf        |
| Charles E E | Gurnett | Newton   | Sherry       | Wood F C    |
| Charles W B | Hackett | Nugent   | Shuttleworth | Wood F X    |
| Coon        | Hammond | Ogden    | Smith A P    | Young       |
| Cotton      | Hanford | O'Neill  |              |             |

Those who voted in the negative were:

|       |        |        |
|-------|--------|--------|
| Cooke | Palmer | Rogers |
|-------|--------|--------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2232) entitled "An act to divide the city of Utica into twenty-two wards establishing the boundaries of said wards and providing for the election, term of office and compensation of the ward officers for said wards and repealing section 3 of chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,' and certain other acts." (Int. No. 1240.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 32

Those who voted in the affirmative were:

|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Allen F E   | Cowan      | Hurd         | Perry        | Thonet      |
| Apgar       | Cox        | Knapp        | Rigby        | Waddell     |
| Bass        | Cunningham | La Rue       | Rogers       | Wade        |
| Becker      | Dowling    | Leggett      | Santee       | Wadsworth   |
| Bedell      | Fish       | Lewis        | Schoeneck    | Wainwright  |
| Beebe       | Foster     | Matthews C R | Scovill      | Wedemeyer   |
| Beihlf      | Gates      | Mead         | Sheldon      | Wemple      |
| Brady       | Gray       | Monroe       | Shuttleworth | Whitney F G |
| Brooks      | Hammond    | Moreland     | Slocum       | Whitney G H |
| Burnett     | Hanford    | Murphy       | Smith A P    | Wilsnack    |
| Callahan    | Hapeman    | Newton       | Smith J E    | Wilson      |
| Carrier     | Hartman    | Ogden        | Smith J T    | Wood F C    |
| Charles E E | Hastings   | O'Neill      | Stanley      | Wood F X    |

|             |        |        |              |       |
|-------------|--------|--------|--------------|-------|
| Charles W B | Hooker | Parker | Stevens      | Yale  |
| Coon        | Hooper | Patton | Tenjost      | Young |
| Cotton      | Hubbs  | Pendry | Thompson G F |       |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Burns     | Evans      | Malloy      | Prentice   | Sherry       |
| Burzynski | Fitzsimons | Mathews T F | Prince     | Smith A E    |
| Cahn      | Fuller     | Miller      | Reilly     | Thompson J A |
| Caughlan  | Gardner    | Palmer      | Rosenstein | Tompkins     |
| Cooke     | Gurnett    | Plank       | Sammon     | Wiegand      |
| Dodd      | Hackett    | Pratt       | Shanahan   | Wolf         |
| Donovan   | La Fetra   |             |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 618) entitled "An act to amend the Railroad Law relative to grants to railroad corporations by the Commissioners of the Land Office to facilitate changes of grade." (Rec. No. 316.)

On motion of Mr. Rogers, said bill was recommitted to the committee on rules, retaining its place on the order of third reading.

Mr. Speaker announced the special order, being the Senate bill (No. 617) entitled "An act to amend the Railroad Law in relation to abandonment of parts of routes." (Rec. No. 315.)

On motion of Mr. Rogers, said bill was recommitted to the committee on rules, retaining its place on the order of third reading.

Mr. Speaker announced the special order, being the bill (No. 353) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section 6 of article 6 of the Constitution, relating to trial commissioners." (Int. No. 353.)

On motion of Mr. Palmer, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2332) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Helen K. Sheedy against the State of New York for services performed by her as stenographer in the State Department of Public Instruction during the year 1903." (Int. No. 1571.)

On motion of Mr. Hornidge, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cotton     | Hartman      | Perry      | Standart     |
| Allen F E   | Coutant    | Hastings     | Plank      | Stanley      |
| Allen J G   | Cowan      | Hooker       | Platt      | Steele       |
| Apgar       | Cox        | Hornidge     | Pratt      | Sullivan     |
| Bass        | Cunningham | Hubbs        | Prentice   | Tenjust      |
| Becker      | Dale       | Hurd         | Prince     | Thompson G F |
| Bedell      | Dodd       | Kavanaugh    | Quinn      | Thompson J A |
| Beebe       | Donovan    | La Fetra     | Reeve      | Thonet       |
| Behilf      | Dowling    | Leggett      | Rigby      | Tompkins     |
| Bird        | Etzel      | Lewis        | Rogers     | Wade         |
| Bisland     | Evans      | Maier        | Rosenstein | Wagner       |
| Brady       | Everett    | Malloy       | Salomon    | Wainwright   |
| Brooks      | Fish       | Matthews C R | Santee     | Wedemeyer    |
| Burnett     | Fitzsimons | McKeown      | Schoeneck  | West         |
| Burns       | Foelker    | McManus      | Scovill    | Wemple       |
| Burzynski   | Foster     | Merritt      | Shanahan   | Whitney F G  |
| Byrne       | Freidel    | Miller       | Sheehy     | Whitney G H  |
| Cadin       | Fuller     | Moreland     | Sheldon    | Wiegand      |
| Cahn        | Gardner    | Murphy       | Sherry     | Wilson       |
| Callahan    | Grady      | Newton       | Slocum     | Wolf         |
| Carrier     | Grattan    | Ogden        | Smith A P  | Wood F C     |
| Caughlan    | Gray       | O'Neill      | Smith J E  | Wood F X     |
| Charles E E | Gurnett    | Parker       | Smith J T  | Yale         |
| Charles W B | Hammond    | Patton       | Smith R H  | Young        |
| Cooke       | Hanford    | Pendry       |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1932) entitled "An act to provide for the widening of Pelham avenue and for the construction of a bridge to carry Pelham avenue as so widened over the tracks of the New York and Harlem Railroad in the city of New York." (Int. No. 1403.)

On motion of Mr. Everett, said bill was read the second time and ordered to a third reading.



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 2

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coon       | Hanford      | Patton       | Smith R H    |
| Allen F E   | Cotton     | Hapeman      | Pendry       | Standart     |
| Allen J G   | Coutant    | Hartman      | Perry        | Stanley      |
| Anderson    | Cowan      | Hooker       | Phillips     | Steele       |
| Apgar       | Cox        | Hooper       | Plank        | Stevens      |
| Bass        | Cunningham | Hornidge     | Platt        | Sullivan     |
| Becker      | Dale       | Hurd         | Prentice     | Tenjost      |
| Bedell      | Dodd       | Kavanaugh    | Prince       | Thompson G F |
| Beebe       | Donovan    | Knapp        | Quinn        | Thonet       |
| Beihlf      | Dowling    | La Rue       | Reilly       | Tompkins     |
| Bird        | Ellis      | Leggett      | Rigby        | Waddell      |
| Bisland     | Etzel      | Lewis        | Rosenstein   | Wade         |
| Brady       | Evans      | Maier        | Salomon      | Wagner       |
| Brooks      | Everett    | Malloy       | Sammon       | Wainwright   |
| Burnett     | Fish       | Matthews C R | Santee       | Wedemeyer    |
| Burns       | Foelker    | McKeown      | Schoeneck    | West         |
| Burzynski   | Foster     | McManus      | Scovill      | Whitney F G  |
| Byrne       | Francisco  | Mead         | Shanahan     | Whitney G H  |
| Cadin       | Freidel    | Miller       | Sheehy       | Wiegand      |
| Callahan    | Fuller     | Monroe       | Sheldon      | Wilsnack     |
| Carrier     | Gates      | Murphy       | Shuttleworth | Wilson       |
| Caughlan    | Grattan    | Newton       | Slocum       | Wood F C     |
| Charles E E | Gray       | Ogden        | Smith A P    | Wood F X     |
| Charles W B | Gurnett    | O'Neill      | Smith A E    | Yale         |
| Cooke       | Hackett    | Palmer       | Smith J E    | Young        |

Those who voted in the negative were:

Cahn                      La Fetra

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2253) entitled "An act to provide for the erection of a monument in commemoration of the battle of White Plains." (Int. No. 483.)

On motion of Mr. Wainwright, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1223) entitled "An act to amend the Tax Law, in relation to taxable transfers." (Rec. No. 407.)

On motion of Mr. Ogden, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Patton       | Smith J E    |
| Allen F E   | Cox        | Hastings     | Pendry       | Smith J T    |
| Allen J G   | Cunningham | Hooker       | Perry        | Standart     |
| Anderson    | Dale       | Hornidge     | Phillips     | Stanley      |
| Apgar       | Dodd       | Hubbs        | Plank        | Stevens      |
| Becker      | Donovan    | Kavanaugh    | Platt        | Sullivan     |
| Bedell      | Dowling    | Knapp        | Pratt        | Tenjost      |
| Beebe       | Ellis      | La Rue       | Prentice     | Thompson J A |
| Beihilf     | Etzel      | Lewis        | Quinn        | Thonet       |
| Bird        | Evans      | Machacek     | Reeve        | Tompkins     |
| Bisland     | Everett    | Maier        | Reilly       | Waddell      |
| Brady       | Fish       | Mathews T F  | Rigby        | Wade         |
| Burnett     | Fitzsimons | Matthews C R | Rogers       | Wadsworth    |
| Burns       | Foelker    | McKeown      | Rosenstein   | Wainwright   |
| Burzynski   | Foster     | McManus      | Sammon       | West         |
| Byrne       | Francisco  | Mead         | Santee       | Wemple       |
| Cadin       | Freidel    | Merritt      | Schoeneck    | Whitney F G  |
| Callahan    | Fuller     | Monroe       | Scovill      | Wiegand      |
| Carrier     | Gardner    | Moreland     | Shanahan     | Wilsnack     |
| Caughlan    | Grady      | Murphy       | Sheldon      | Wolf         |
| Charles E E | Grattan    | Newton       | Sherry       | Wood F C     |
| Charles W B | Gurnett    | Ogden        | Shuttleworth | Wood F X     |
| Cooke       | Hackett    | O'Neill      | Slocum       | Yale         |
| Cotton      | Hammond    | Parker       | Smith A E    | Young        |
| Coutant     | Hanford    |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 954) entitled "An act to amend section 70 of article 2 of chapter 690 of the Laws of 1892, entitled 'An act in relation to

insurance corporations, constituting chapter 38 of the general laws, relating to casualty and credit insurance business." (Int. No. 462.)

On motion of Mr. Lewis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.



Mr. Speaker announced the special order, being the Senate bill (No. 1365) entitled "An act to provide for the participation of the State of New York in the Jamestown Tercentennial Exposition, to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year 1907, and making an appropriation therefor." (Rec. No. 449.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Parker       | Smith J E    |
| Allen F E   | Cunningham | Hooper       | Patton       | Smith J T    |
| Allen J G   | Dale       | Hornidge     | Pendry       | Smith R H    |
| Anderson    | Dodd       | Hubbs        | Perry        | Standart     |
| Bass        | Donovan    | Hurd         | Phillips     | Steele       |
| Becker      | Dowling    | Kavanaugh    | Plank        | Stevens      |
| Bedell      | Etzel      | La Fetra     | Pratt        | Tenjust      |
| Beebe       | Evans      | La Rue       | Prentice     | Thompson G F |
| Beihlf      | Fish       | Lewis        | Prince       | Thompson J A |
| Bisland     | Fitzsimons | Machacek     | Reeve        | Thonet       |
| Brady       | Foelker    | Malloy       | Reilly       | Wagner       |
| Brooks      | Foster     | Mathews T F  | Rogers       | Wade         |
| Burnett     | Freidel    | Matthews C R | Rosenstein   | Wagner       |
| Burns       | Gardner    | McKeown      | Salomon      | Wainwright   |
| Burzynski   | Gates      | McManus      | Sammon       | Wedemeyer    |
| Cadin       | Grady      | Mead         | Santee       | Wemple       |
| Cahn        | Gray       | Miller       | Schoeneck    | Whitney G H  |
| Carrier     | Gurnett    | Monroe       | Shanahan     | Wiegand      |
| Charles E E | Hackett    | Murphy       | Sheehy       | Wilsnack     |
| Charles W B | Hammond    | Nugent       | Sheldon      | Wolf         |
| Coon        | Hapeman    | Ogden        | Shuttleworth | Wood F C     |
| Cotton      | Hartman    | O'Neill      | Slocum       | Yale         |
| Cowan       | Hastings   | Palmer       | Smith A P    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1097) entitled "An act to amend section 25 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws,' relative to condensed milk." (Rec. No. 345.)

On motion of Mr. Wadsworth, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being the bill (No. 2238) entitled "An act to legalize and confirm the proceedings of the board of education and legal voters of union free school district No. 1 of the towns of Luzerne, Warren county, and Hadley, Saratoga county, relative to the levy of a tax payable in installments, and the issuance and sale of certain school bonds of said district, for the purchase of a schoolhouse site and erection of a building thereon." (Int. No. 1541.)

On motion of Mr. Waddell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 1

Those who voted in the affirmative were:

|           |            |          |          |              |
|-----------|------------|----------|----------|--------------|
| Agnew     | Coutant    | Hapeman  | Palmer   | Smith J E    |
| Allen F E | Cowan      | Hartman  | Parker   | Smith J T    |
| Allen J G | Cunningham | Hastings | Patton   | Smith R H    |
| Anderson  | Dale       | Hooker   | Pendry   | Standart     |
| Bass      | Dodd       | Hornidge | Perry    | Stanley      |
| Becker    | Dowling    | Hubbs    | Plank    | Steele       |
| Bedell    | Ellis      | Hurd     | Platt    | Sullivan     |
| Beebe     | Etsel      | Knapp    | Pratt    | Tenjost      |
| Bird      | Evans      | La Rue   | Prentice | Thompson G F |
| Bisland   | Fish       | Leggett  | Prince   | Thonet       |
| Brady     | Fitzsimons | Machacek | Reeve    | Tompkins     |

|             |         |              |              |            |
|-------------|---------|--------------|--------------|------------|
| Brooks      | Foelker | Maier        | Reilly       | Waddell    |
| Burnett     | Foster  | Mathews T F  | Rigby        | Wagner     |
| Burns       | Freidel | Matthews C R | Rosenstein   | Wadsworth  |
| Burzynski   | Fuller  | McKeown      | Salomon      | Wainwright |
| Byrne       | Gardner | McManus      | Sammon       | West       |
| Cadin       | Gates   | Mead         | Schoeneck    | Wemple     |
| Cahn        | Grattan | Miller       | Scovill      | Wiegand    |
| Callahan    | Gray    | Monroe       | Sheehy       | Wilsnack   |
| Carrier     | Gurnett | Moreland     | Sheldon      | Wolf       |
| Charles E E | Hackett | Newton       | Shuttleworth | Wood F C   |
| Charles W B | Hammond | Ogden        | Slocum       | Wood F X   |
| Coon        | Hanford | O'Neill      | Smith A P    | Young      |
| Cotton      |         |              |              |            |

In the negative:

Whitney G H

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2282) entitled "An act to amend chapter 115 of the Laws of 1898, entitled 'An act to provide for the improvement of the public highways' relative to obstructions." (Int. No. 1556.)

On motion of Mr. Plank, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2329) entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to ordinances pertaining to the fire alarm telegraph system." (Int. No. 660.)

On motion of Mr. G. H. Whitney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Palmer       | Smith A E    |
| Allen F E   | Cox        | Hastings     | Patton       | Smith J T    |
| Allen J G   | Dale       | Hooker       | Pendry       | Smith R H    |
| Apgar       | Dodd       | Hooper       | Perry        | Standart     |
| Bass        | Donovan    | Hornidge     | Phillips     | Stanley      |
| Becker      | Dowling    | Hubbs        | Plank        | Steele       |
| Bedell      | Ellis      | Hurd         | Platt        | Stevens      |
| Beebe       | Etsel      | Kavanaugh    | Pratt        | Tenjust      |
| Beihilf     | Evans      | Knapp        | Prince       | Thompson G F |
| Bird        | Everett    | La Fetra     | Quinn        | Thompson J A |
| Bisland     | Fish       | Leggett      | Reeve        | Thonet       |
| Brady       | Fitzsimons | Lewis        | Reilly       | Waddell      |
| Brooks      | Foelker    | Maier        | Rogers       | Wade         |
| Burns       | Foster     | Malloy       | Rosenstein   | Wagner       |
| Burzynski   | Francisco  | Mathews T F  | Salomon      | Wainwright   |
| Byrne       | Freidel    | Matthews C R | Sammon       | Wedemeyer    |
| Cahn        | Fuller     | McKeown      | Santee       | Wemple       |
| Callahan    | Gardner    | McManus      | Scovill      | Whitney F G  |
| Carrier     | Gates      | Mead         | Shanahan     | Whitney G H  |
| Caughlan    | Grady      | Miller       | Sheehy       | Wilsnack     |
| Charles E E | Grattan    | Monroe       | Sheldon      | Wilson       |
| Charles W B | Gray       | Moreland     | Sherry       | Wolf         |
| Cooke       | Hackett    | Newton       | Shuttleworth | Wood F X     |
| Coon        | Hammond    | Ogden        | Slocum       | Yale         |
| Cotton      | Hanford    | O'Neill      | Smith A P    | Young        |
| Coutant     | Hapeman    |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2328) entitled "An act to amend the Code of Civil Procedure relating to the disposition of the real estate of decedents for the payment of debts and funeral expenses." (Int. No. 533.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Apgar       | Cunningham | Hooker       | Patton     | Smith J T    |
| Allen F E   | Dale       | Hooper       | Pendry     | Standart     |
| Anderson    | Dodd       | Hornidge     | Perry      | Stanley      |
| Apgar       | Donovan    | Hubbs        | Phillips   | Steele       |
| Bass        | Ellis      | Hurd         | Plank      | Stevens      |
| Becker      | Etzel      | Kavanaugh    | Platt      | Sullivan     |
| Bedell      | Evans      | Knapp        | Pratt      | Tenjost      |
| Beebe       | Everett    | La Rue       | Prentice   | Thompson G F |
| Beihlf      | Fish       | Leggett      | Prince     | Thonet       |
| Bird        | Fitzsimons | Lewis        | Quinn      | Tompkins     |
| Bisland     | Foelker    | Machacek     | Reeve      | Waddell      |
| Brady       | Foster     | Maier        | Reilly     | Wade         |
| Brooks      | Francisco  | Mathews T F  | Rigby      | Wagner       |
| Burnett     | Freidel    | Matthews C R | Rogers     | Wainwright   |
| Burzynski   | Fuller     | McKeown      | Rosenstein | Wedemeyer    |
| Byrne       | Gardner    | McManus      | Salomon    | Wemple       |
| Cadin       | Gates      | Mead         | Santee     | Whitney F G  |
| Cahn        | Grady      | Miller       | Schoeneck  | Whitney G H  |
| Callahan    | Grattan    | Monroe       | Scovill    | Wilsnack     |
| Carrier     | Gray       | Moreland     | Shanahan   | Wilson       |
| Charles E E | Gurnett    | Murphy       | Sheldon    | Wolf         |
| Charles W B | Hackett    | Newton       | Sherry     | Wood F C     |
| Cooke       | Hammond    | Nugent       | Slocum     | Wood F X     |
| Cotton      | Hanford    | Ogden        | Smith A P  | Yale         |
| Coutant     | Hapeman    | Palmer       | Smith J E  | Young        |
| Cox         | Hartman    | Parker       |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2330) entitled "An act relating to the appointment of employees of the fire department of the city of New York to the uniformed force of the said department." (Int. No. 945.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihilf     | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainright    |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

The Senate returned the Assembly bill (No. 1151, Senate reprint No. 1446) entitled "An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,' relating to licenses" (Int. No. 797), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 7, strike out the word "and" and insert the word "or."

Page 4, line 15, strike out the word "and" and insert the word "or."

Same page, line 17, after the word "transact" insert the words "or practice."

Same page, line 18, after the word "undertaking" insert the words "or embalming or undertaking."

Same page, line 19, after the word "of" insert the word "human," and strike out the word "dead" after the word "human."

Mr. Grattan moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bird        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjest      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooper     | Patton       |              |              |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1020, Senate re-print No. 1382) entitled "An act to amend the Highway Law, in relation to the appointment of overseers in towns under the money system, and the removal of obstructions caused by snow in such towns" (Int. No. 865), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 8, after the word "April" strike out the word "in" and insert the word "of."

Page 5, line 18, insert a comma after the word "removed."

Mr. J. G. Allen moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 147

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Hornidge     | Pendry     | Smith R H    |
| Allen F E | Cunningham | Hubbs        | Perry      | Standart     |
| Allen J G | Dale       | Hurd         | Phillips   | Stanley      |
| Anderson  | Dodd       | Kavanaugh    | Plank      | Steele       |
| Apgar     | Donovan    | Knapp        | Platt      | Stevens      |
| Bass      | Dowling    | La Fetra     | Pratt      | Sullivan     |
| Becker    | Ellis      | La Rue       | Prentice   | Tenjest      |
| Bedell    | Etzel      | Leggett      | Prince     | Thompson G F |
| Beebe     | Evans      | Lewis        | Quinn      | Thompson J A |
| Beihliff  | Everett    | Machacek     | Reeve      | Thonet       |
| Bird      | Fish       | Maier        | Reilly     | Tompkins     |
| Bisland   | Fitzsimons | Malloy       | Rigby      | Waddell      |
| Brady     | Foelker    | Mathews T F  | Rogers     | Wade         |
| Brooks    | Foster     | Matthews C R | Rosenstein | Wagner       |
| Burnett   | Francisco  | McKeown      | Salomon    | Wadsworth    |
| Burns     | Freidel    | McManus      | Sammon     | Wainwright   |
| Burzynski | Fuller     | Mead         | Santee     | Wedemeyer    |
| Byrne     | Gardner    | Merritt      | Schoeneck  | West         |
| Cadin     | Gates      | Miller       | Seovill    | Wemple       |
| Cahn      | Grady      | Monroe       | Shanahan   | Whitney F G  |
| Callahan  | Grattan    | Moreland     | Sheehy     | Whitney G H  |



|             |          |         |              |          |
|-------------|----------|---------|--------------|----------|
| Carrier     | Gray     | Murphy  | Sheldon      | Wiegand  |
| Caughlan    | Gurnett  | Newton  | Sherry       | Wilsnack |
| Charles E E | Hackett  | Nugent  | Shuttleworth | Wilson   |
| Charles W B | Hanford  | Ogden   | Slocum       | Wolf     |
| Cooke       | Hapeman  | O'Neill | Smith A P    | Wood F C |
| Coon        | Hartman  | Palmer  | Smith A E    | Wood F X |
| Cotton      | Hastings | Parker  | Smith J E    | Yale     |
| Coutant     | Hooker   | Patton  | Smith J T    | Young    |
| Cowan       | Hooper   |         |              |          |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1849, Senate re-print No. 1414) entitled "An act to amend the Railroad Law, in relation to the consents of property owners to the construction of street railroads in the county of Kings" (Int. No. 612), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1414.

Mr. Pendry moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cotton     | Hubbs        | Phillips   | Standart     |
| Allen F E | Coutant    | Kavanaugh    | Plank      | Stanley      |
| Allen J G | Cowan      | Kuapp        | Platt      | Steele       |
| Anderson  | Cox        | La Rue       | Pratt      | Stevens      |
| Apgar     | Cunningham | Leggett      | Prentice   | Sullivan     |
| Bass      | Dale       | Machacek     | Prince     | Thompson G F |
| Becker    | Dodd       | Malloy       | Quinn      | Thompson J A |
| Bedell    | Donovan    | Mathews T F  | Reeve      | Thonet       |
| Beebe     | Dowling    | Matthews C R | Reilly     | Tompkins     |
| Beihilf   | Ellis      | McKeown      | Rigby      | Waddell      |
| Bird      | Evans      | McManus      | Rogers     | Wade         |
| Bisland   | Everett    | Mead         | Rosenstein | Wadsworth    |
| Brady     | Fish       | Merritt      | Salomon    | Wainwright   |

|             |            |          |              |             |
|-------------|------------|----------|--------------|-------------|
| Brooks      | Fitzsimons | Miller   | Sammon       | Wedemeyer   |
| Burnett     | Foelker    | Monroe   | Santee       | West        |
| Burns       | Francisco  | Moreland | Schoeneck    | Wemple      |
| Burzynski   | Freidel    | Murphy   | Shanahan     | Whitney F G |
| Byrne       | Fuller     | Newton   | Sheehy       | Whitney G H |
| Cadin       | Gardner    | Nugent   | Sheldon      | Wiegand     |
| Cahn        | Grady      | Ogden    | Sherry       | Wilsnack    |
| Callahan    | Gray       | O'Neill  | Shuttleworth | Wilson      |
| Carrier     | Gurnett    | Palmer   | Slocum       | Wolf        |
| Caughlan    | Hammond    | Parker   | Smith A P    | Wood F C    |
| Charles E E | Hapeman    | Patton   | Smith A E    | Wood F X    |
| Charles W B | Hartman    | Pendry   | Smith J E    | Yale        |
| Cooke       | Hooker     | Perry    | Smith R H    | Young       |
| Coon        | Hooper     |          |              |             |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 767, Senate reprint No. 1379) entitled "An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this State" (Int. No. 679), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 1, strike out the words "and fifty."

Mr. Patton moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Knapp        | Plank      | Standart     |
| Allen F E | Cunningham | La Rue       | Platt      | Stanley      |
| Allen J G | Dale       | Leggett      | Pratt      | Steele       |
| Anderson  | Donovan    | Lewis        | Prentice   | Stevens      |
| Bass      | Dowling    | Machacek     | Prince     | Sullivan     |
| Becker    | Ellis      | Maier        | Quinn      | Tenjost      |
| Bedell    | Etzel      | Malloy       | Reeve      | Thompson G F |
| Beebe     | Everett    | Mathews T F  | Reilly     | Thompson J A |
| Beihilf   | Fish       | Matthews C R | Rigby      | Thonet       |
| Bird      | Fitzsimons | McKeown      | Rogers     | Tompkins     |
| Bisland   | Foelker    | McManus      | Rosenstein | Waddell      |
| Brady     | Francisco  | Mead         | Salomon    | Wade         |
| Brooks    | Freidel    | Merritt      | Sammon     | Wagner       |
| Burnett   | Gardner    | Miller       | Santee     | Wadsworth    |

|             |           |          |              |             |
|-------------|-----------|----------|--------------|-------------|
| Burns       | Gates     | Monroe   | Schoeneck    | Wainwright  |
| Burzynski   | Grady     | Moreland | Scovill      | Wedemeyer   |
| Byrne       | Grattan   | Murphy   | Shanahan     | West        |
| Cadin       | Gray      | Newton   | Sheehy       | Whitney F G |
| Cahn        | Hackett   | Nugent   | Sheldon      | Whitney G H |
| Callahan    | Hammond   | Ogden    | Sherry       | Wiegand     |
| Carrier     | Hanford   | O'Neill  | Shuttleworth | Wilsnack    |
| Caughlan    | Hapeman   | Palmer   | Slocum       | Wilson      |
| Charles W B | Hastings  | Parker   | Smith A P    | Wolf        |
| Cooke       | Hooker    | Patton   | Smith A E    | Wood F C    |
| Coon        | Hooper    | Pendry   | Smith J E    | Wood F X    |
| Cotton      | Hornidge  | Perry    | Smith J T    | Yale        |
| Coutant     | Hurd      | Phillips | Smith R H    | Young       |
| Cowan       | Kavanaugh |          |              |             |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 1962. Senate reprint No. 1437) entitled "An act to amend the Forest, Fish and Game Law, relative to special game protector" (Int. No. 778), with a message that they have concurred in the passage of the same with the following amendments:

Page 2, line 4, strike out the period and insert a comma, and add the words "but the commissioner may remove any such protector summarily at any time."

Page 3, line 9, strike out the word "on" and insert the word "upon."

Same page, strike out all of line 10 and insert the words "taking effect of this act."

Mr. Becker moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |           |
|-----------|------------|-----------|----------|-----------|
| Agnew     | Cunningham | Hornidge  | Pendry   | Smith J T |
| Allen F E | Dale       | Hubbs     | Perry    | Smith R H |
| Allen J G | Dodd       | Hurd      | Phillips | Standart  |
| Anderson  | Donovan    | Kavanaugh | Plank    | Stanley   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Bass        | Dowling    | Knapp        | Platt        | Steele       |
| Becker      | Ellis      | La Fetra     | Pratt        | Stevens      |
| Bedell      | Etzel      | La Rue       | Prentice     | Sullivan     |
| Beebe       | Evans      | Leggett      | Prince       | Tenjest      |
| Beihlf      | Fish       | Lewis        | Quinn        | Thompson G F |
| Bird        | Fitzsimons | Machacek     | Reeve        | Thonet       |
| Bisland     | Foelker    | Maier        | Reilly       | Tompkins     |
| Brady       | Foster     | Malloy       | Rigby        | Wade         |
| Brooks      | Francisco  | Mathews T F  | Rogers       | Wagner       |
| Burnett     | Freidel    | Matthews C R | Rosenstein   | Wadsworth    |
| Burns       | Fuller     | McKeown      | Salomon      | Wainwright   |
| Burzynski   | Gardner    | McManus      | Sammon       | Wedemeyer    |
| Byrne       | Gates      | Mead         | Santee       | West         |
| Cadin       | Grady      | Merritt      | Schoeneck    | Wemple       |
| Cahn        | Grattan    | Miller       | Scovill      | Whitney F G  |
| Callahan    | Gray       | Monroe       | Shanahan     | Whitney G H  |
| Caughlan    | Gurnett    | Murphy       | Sheehy       | Wiegand      |
| Charles E E | Hackett    | Newton       | Sheldon      | Wilsnack     |
| Charles W B | Hammond    | Nugent       | Sherry       | Wilson       |
| Cooke       | Hanford    | Ogden        | Shuttleworth | Wolf         |
| Coon        | Hapeman    | O'Neill      | Slocum       | Wood F C     |
| Cotton      | Hartman    | Palmer       | Smith A P    | Wood F X     |
| Coutant     | Hastings   | Parker       | Smith A E    | Yale         |
| Cowan       | Hooker     | Patton       | Smith J E    | Young        |
| Cox         | Hooper     |              |              |              |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1194, Senate reprint No. 1295) entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (Int. No. 171), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, strike out lines 7 to 21, inclusive.

Page 4, line 12, after the words "New York" insert the words "nor who shall not have reached the age of fifty years."

Same page, same line, strike out the word "Any;" also, strike out all of lines 13 to 25, inclusive, and insert the following:

"Any such person entitled to the benefits of the retirement fund, at any time after he shall have attained the age of fifty years and after he shall have performed duty for twenty-one years in the aggregate, shall upon his own application to the retiring board, be retired from active service, provided he has served at least five consecutive years immediately prior to such retirement. Any such person so retired after twenty-one years of service and before thirty years of service, shall thereupon be awarded, granted

and paid from the retirement fund, an annual sum or annuity equal to such proportion of the annuity to which he would be entitled upon completing a service of thirty years, as the time he shall have served bears to the said term of thirty years."

Page 6, line 3, strike out the word "twenty-five" and insert the word "thirty."

Same page, line 4, strike out the word "twenty-five" and insert the word "thirty."

Page 9, line 25, strike out the word "three" and insert the word "five."

Page 10, line 14, strike out the word "twenty-five" and insert the word "fifty."

Same page, line 18, strike out the words "three thousand" and insert the words "two thousand five hundred."

Same page, line 20, strike out the word "October" and insert the word "January;" also, strike out the word "five" and insert the word "six."

Mr. Yale moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Hooper       | Pendry     | Smith R H    |
| Allen F E | Cunningham | Hornidge     | Perry      | Standart     |
| Allen J G | Dale       | Hubbs        | Phillips   | Stanley      |
| Anderson  | Dodd       | Hurd         | Plank      | Steele       |
| Apgar     | Donovan    | Kavanaugh    | Platt      | Stevens      |
| Bass      | Dowling    | Knapp        | Pratt      | Sullivan     |
| Becker    | Ellis      | La Fetra     | Prentice   | Tenjust      |
| Bedell    | Etzel      | La Rue       | Prince     | Thompson G F |
| Beebe     | Evans      | Leggett      | Quinn      | Thompson J A |
| Beihlf    | Everett    | Lewis        | Reeve      | Thonet       |
| Bird      | Fish       | Machacek     | Reilly     | Tompkins     |
| Bisland   | Fitzsimons | Maier        | Rigby      | Waddell      |
| Brady     | Foelker    | Malloy       | Rogers     | Wade         |
| Brooks    | Foster     | Mathews T F  | Rosenstein | Wagner       |
| Burnett   | Francisco  | Matthews C R | Salomon    | Wadsworth    |
| Burns     | Freidel    | McKeown      | Sammon     | Wainwright   |
| Burzynski | Fuller     | McManus      | Santee     | Wedemeyer    |
| Byrne     | Gardner    | Mead         | Schoeneck  | West         |



|             |          |          |              |             |
|-------------|----------|----------|--------------|-------------|
| Cadin       | Gates    | Merritt  | Scovill      | Wemple      |
| Cahn        | Grady    | Miller   | Shanahan     | Whitney F G |
| Callahan    | Grattan  | Monroe   | Sheehy       | Whitney G H |
| Carrier     | Gray     | Moreland | Sheldon      | Wiegand     |
| Caughlan    | Gurnett  | Murphy   | Sherry       | Wilsnack    |
| Charles E E | Hackett  | Newton   | Shuttleworth | Wilson      |
| Charles W B | Hammond  | Nugent   | Slocum       | Wolf        |
| Cooke       | Hanford  | Ogden    | Smith A P    | Wood F C    |
| Coon        | Hapeman  | O'Neill  | Smith A E    | Wood F X    |
| Cotton      | Hartman  | Palmer   | Smith J E    | Yale        |
| Coutant     | Hastings | Parker   | Smith J T    | Young       |
| Cowan       | Hooker   | Patton   |              |             |

Ordered, That the clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A message was received from the Senate, in the words following:

IN SENATE, *May 2, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 652, reprint No. 1472) entitled "An act to amend section 458 of the Penal Code, relating to crimes against the public peace." (Rec. No. 124.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Frawley, and by unanimous consent, the same was amended as follows:

Page 2, line 3, after the word "challenge" insert the words "or acceptance of a challenge."

Said bill as amended was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,  
*Clerk.*

Mr. McKeown moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 138

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Phillips     | Standart     |
| Allen F E   | Cox        | Hastings     | Plank        | Stanley      |
| Allen J G   | Cunningham | Hooper       | Platt        | Steele       |
| Anderson    | Dale       | Hornidge     | Pratt        | Stevens      |
| Apgar       | Dodd       | Hubbs        | Prentice     | Tenjost      |
| Bass        | Donovan    | Hurd         | Prince       | Thompson G F |
| Becker      | Dowling    | Knapp        | Quinn        | Thompson J A |
| Bedell      | Ellis      | La Rue       | Reeve        | Thonet       |
| Beebe       | Etzel      | Leggett      | Reilly       | Tompkins     |
| Beihilf     | Evans      | Lewis        | Rigby        | Waddell      |
| Bird        | Everett    | Maier        | Rogers       | Wade         |
| Bisland     | Fish       | Mathews T F  | Rosenstein   | Wagner       |
| Brady       | Fitzsimons | Matthews C R | Salomon      | Wadsworth    |
| Brooks      | Foelker    | McKeown      | Sammon       | Wainwright   |
| Burnett     | Foster     | McManus      | Santee       | Wedemeyer    |
| Burns       | Francisco  | Mead         | Schoeneck    | West         |
| Burzynski   | Freidel    | Merritt      | Scovill      | Wemple       |
| Byrne       | Fuller     | Monroe       | Shanahan     | Whitney F G  |
| Cadin       | Gardner    | Moreland     | Sheehy       | Whitney G H  |
| Cahn        | Gates      | Newton       | Sheldon      | Wiegand      |
| Carrier     | Grady      | Nugent       | Sherry       | Wilsnack     |
| Caughlan    | Grattan    | Ogden        | Shuttleworth | Wilson       |
| Charles E E | Gray       | O'Neill      | Smith A P    | Wolf         |
| Charles W B | Gurnett    | Palmer       | Smith A E    | Wood F C     |
| Cooke       | Hackett    | Parker       | Smith J E    | Wood F X     |
| Coon        | Hammond    | Patton       | Smith J T    | Yale         |
| Cotton      | Hanford    | Pendry       | Smith R H    | Young        |
| Coutant     | Hapeman    | Perry        |              |              |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 145

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |              |
|-----------|------------|----------|----------|--------------|
| Agnew     | Coon       | Hastings | Pendry   | Smith R H    |
| Allen F E | Cotton     | Hooker   | Perry    | Standart     |
| Allen J G | Coutant    | Hooper   | Phillips | Stanley      |
| Anderson  | Cox        | Hornidge | Plank    | Steele       |
| Apgar     | Cunningham | Hubbs    | Platt    | Stevens      |
| Bass      | Dodd       | Hurd     | Pratt    | Sullivan     |
| Becker    | Dowling    | Knapp    | Prince   | Thompson G F |
| Bedell    | Etzel      | La Petra | Quinn    | Thompson J A |
| Beebe     | Evans      | La Rue   | Reeve    | Thonet       |

|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Beihlf      | Everett    | Lewis        | Reilly       | Tompkins    |
| Bird        | Fitzsimons | Machacek     | Rigby        | Waddell     |
| Bisland     | Foelker    | Maier        | Rogers       | Wade        |
| Brady       | Foster     | Malloy       | Rosenstein   | Wadsworth   |
| Brooks      | Francisco  | Mathews T F  | Salomon      | Wainwright  |
| Burnett     | Freidel    | Matthews C R | Santee       | Wedemeyer   |
| Burns       | Fuller     | McKeown      | Schoeneck    | West        |
| Burzynski   | Gardner    | McManus      | Scovill      | Wemple      |
| Byrne       | Gates      | Mead         | Shanahan     | Whitney F G |
| Cadin       | Grady      | Miller       | Sheldon      | Whitney G H |
| Cahn        | Grattan    | Monroe       | Sherry       | Wilsnack    |
| Callahan    | Gurnett    | Murphy       | Shuttleworth | Wilson      |
| Carrier     | Hackett    | Newton       | Slocum       | Wolf        |
| Caughlan    | Hammond    | Ogden        | Smith A P    | Wood F C    |
| Charles E E | Hanford    | O'Neill      | Smith A E    | Wood F X    |
| Charles W B | Hapeman    | Palmer       | Smith J E    | Yale        |
| Cooke       | Hartman    | Patton       | Smith J T    | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 19, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 610, reprint No. 1268) entitled "An act amending chapter 223 of the Laws of 1890, empowering town boards in Orleans county to raise money for the rental of Grand Army post rooms." (Rec. No. 120.)

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. L'Hommedieu, and by unanimous consent, the same was amended as follows:

Line 2, strike out the word "are" and insert the word "is."

Said bill as amended was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Wilson moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the

members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Coutant    | Hooper      | O'Neill      | Smith A P    |
| Allen F E   | Cowan      | Hornidge    | Palmer       | Smith J E    |
| Allen J G   | Cunningham | Hubbs       | Parker       | Smith J T    |
| Apgar       | Dale       | Hurd        | Patton       | Smith R H    |
| Bass        | Dodd       | Kavanaugh   | Pendry       | Stanley      |
| Becker      | Donovan    | Knapp       | Perry        | Stevens      |
| Bedell      | Ellis      | La Fetra    | Phillips     | Sullivan     |
| Beebe       | Everett    | La Rue      | Plank        | Thompson G F |
| Beihlf      | Fish       | Lewis       | Platt        | Thompson J A |
| Bisland     | Fitzsimons | Machacek    | Pratt        | Tompkins     |
| Brady       | Foelker    | Maier       | Prentice     | Waddell      |
| Brooks      | Francisco  | Malloy      | Quinn        | Wagner       |
| Burnett     | Freidel    | Mathews T F | Reeve        | Wadsworth    |
| Burns       | Fuller     | Mathews C R | Reilly       | Wainwright   |
| Burzynski   | Gardner    | McKeown     | Rigby        | West         |
| Byrne       | Grady      | McManus     | Rogers       | Wemple       |
| Cadin       | Grattan    | Mead        | Salomon      | Whitney G H  |
| Cahn        | Gray       | Merritt     | Sammon       | Wiegand      |
| Callahan    | Hackett    | Monroe      | Santee       | Wilson       |
| Carrier     | Hammond    | Moreland    | Scovill      | Wolf         |
| Caughlan    | Hanford    | Murphy      | Shanahan     | Wood F C     |
| Charles W B | Hapeman    | Newton      | Sheldon      | Wood F X     |
| Cooke       | Hastings   | Nugent      | Sherry       | Yale         |
| Coon        | Hastings   | Ogden       | Shuttleworth | Young        |
| Cotton      | Hooker     |             |              |              |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cox        | Hartman   | Pendry   | Stanley      |
| Allen F E | Cunningham | Hastings  | Perry    | Steele       |
| Allen J G | Dale       | Hooper    | Phillips | Stevens      |
| Anderson  | Dodd       | Hornidge  | Plank    | Tenjust      |
| Apgar     | Dowling    | Hubbs     | Platt    | Thompson G F |
| Bass      | Ellis      | Kavanaugh | Prentice | Thompson J A |
| Becker    | Etzel      | Knapp     | Prince   | Thonet       |
| Bedell    | Evans      | La Rue    | Quinn    | Tompkins     |
| Beebe     | Everett    | Leggett   | Reeve    | Waddell      |

|             |            |              |            |             |
|-------------|------------|--------------|------------|-------------|
| Bird        | Fish       | Lewis        | Reilly     | Wade        |
| Bisland     | Fitzsimons | Maier        | Rogers     | Wagner      |
| Brady       | Foelker    | Malloy       | Rosenstein | Wainwright  |
| Brooks      | Foster     | Mathews T F  | Salomon    | Wedemeyer   |
| Burnett     | Francisco  | Matthews C R | Sammon     | West        |
| Burns       | Freidel    | McKeown      | Schoeneck  | Wemple      |
| Byrne       | Fuller     | McManus      | Seovill    | Whitney F G |
| Cadin       | Gardner    | Mead         | Shanahan   | Whitney G H |
| Cahn        | Gates      | Miller       | Sheldon    | Wiegand     |
| Carrier     | Grady      | Moreland     | Sherry     | Wilsnack    |
| Caughlan    | Grattan    | Murphy       | Slocum     | Wilson      |
| Charles E E | Gray       | Newton       | Smith A P  | Wolf        |
| Charles W B | Gurnett    | Ogden        | Smith A E  | Wood F C    |
| Coon        | Hackett    | O'Neill      | Smith J E  | Wood F X    |
| Cotton      | Hammond    | Parker       | Smith J T  | Yale        |
| Coutant     | Hanford    | Patton       | Smith R H  | Young       |
| Cowan       | Hapeman    |              |            |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A communication was received from Hon. Wm. S. Charles, mayor of the city of Hornellsville, returning Assembly bill No. 1890, entitled "An act to amend chapter 40 of the Laws of 1888, entitled 'An act to incorporate the city of Hornellsville,' relating to city elections and city officers" (Int. No. 1378), with a message that the mayor of said city, after a public hearing thereon, does approve said bill and accept the same, but that the common council, the legislative body of said city, does not approve and accept the same.

Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objections of the common council, the legislative body of the city of Hornellsville, thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 133

NOES 00

Those who voted in the affirmative were:

|           |         |          |          |           |
|-----------|---------|----------|----------|-----------|
| Agnew     | Cotton  | Hartman  | Pendry   | Smith J E |
| Allen F E | Coutant | Hastings | Perry    | Smith J T |
| Allen J G | Cowan   | Hooker   | Phillips | Standart  |
| Anderson  | Cox     | Hornidge | Plank    | Stanley   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Cunningham | Hubbs        | Platt        | Steele       |
| Bass        | Dale       | Hurd         | Pratt        | Stevens      |
| Becker      | Dodd       | Kavanaugh    | Prentice     | Tenjost      |
| Bedell      | Donovan    | Knapp        | Prince       | Thompson G F |
| Beebe       | Ellis      | La Fetra     | Reeve        | Thonet       |
| Beihlf      | Etzel      | La Rue       | Reilly       | Tompkins     |
| Bird        | Evans      | Leggett      | Rigby        | Waddell      |
| Bisland     | Everett    | Lewis        | Rogers       | Wade         |
| Brady       | Fish       | Machacek     | Rosenstein   | Wadsworth    |
| Brooks      | Fitzsimons | Malloy       | Salomon      | Wainwright   |
| Burnett     | Foelker    | Mathews T F  | Sammon       | Wedemeyer    |
| Burns       | Foster     | Matthews C R | Santee       | West         |
| Burzynski   | Francisco  | McKeown      | Schoeneck    | Wemple       |
| Byrne       | Freidel    | McManus      | Scovill      | Whitney F G  |
| Cadin       | Fuller     | Merritt      | Shanahan     | Whitney G H  |
| Cahn        | Gardner    | Monroe       | Sheehy       | Wilsnack     |
| Callahan    | Grady      | Moreland     | Sheldon      | Wilson       |
| Carrier     | Grattan    | Murphy       | Sherry       | Wolf         |
| Caughlan    | Gray       | Nugent       | Shuttleworth | Wood F C     |
| Charles E E | Hackett    | O'Neill      | Slocum       | Wood F X     |
| Charles W B | Hammond    | Palmer       | Smith A P    | Yale         |
| Cooke       | Hanford    | Parker       | Smith A E    | Young        |
| Coon        | Hapeman    | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Gates offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 1352, entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same'" (Int. No. 170), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Hubbs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 1203, entitled "An act authorizing the town of Islip, in the county of Suffolk, to acquire a site and building for town purposes, and to borrow money therefor" (Int. No. 992), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.



Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. O'Neill offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 742, entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902" (Int. No. 661), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. T. F. Mathews offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 2196, entitled "An act to amend the Banking Law, relative to loans upon the second or divided mortgage plan" (Int. No. 479), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That 2,500 copies of the report of the Memorial of the late ex-Senator Jacob Worth be printed for the use of the members of the Legislature.

Which was read and referred to the committee on rules.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 1352, entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to extend its system of drainage and to borrow



money "to pay for the same" (Int. No. 170), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 1203, entitled "An act authorizing the town of Islip, in the county of Suffolk, to acquire a site and building for town purposes, and to borrow money therefor" (Int. No. 992), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. James G. Cutter, mayor of the city of Rochester, returning Assembly bill No. 929 (Senate reprint No. 1056), entitled "An act to establish a retirement fund for pensioning retired schoolteachers in the city of Rochester, and to regulate the collection and management thereof" (Int. No. 800), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act authorizing the board of estimate and apportionment of the city of New York to audit and allow and the comptroller of said city to pay to Ernest H. Juergens compensation for services rendered to said city in the law department in the years 1899 and 1900 as office boy." (No. 2210, Int. No. 1530.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to amend the charter of the city of New Rochelle in relation to the publication of notice to construct and keep in repair curbs, gutters and sidewalks." (No. 2192, Int. No. 1522.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

"An act authorizing the grant or conveyance of certain lands

by the city of Oswego, to the use of the Order of the Sisters of St. Francis, for hospital purposes." (No. 2181, Int. No. 1517.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Oswego.

"An act to authorize the common council of the city of Elmira to change the course of Badger creek in said city." (No. 1995, Int. No. 1435.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Elmira.

The Senate returned the Assembly bill (No. 1922, Senate reprint No. 1384) entitled "An act to amend chapter 194 of the Laws of 1897, entitled 'An act creating a commissioner of jurors for each county of the State having a population of more than 150,000 and less than 190,000, and regulating and prescribing his duties,' generally." (Int. No. 1414.)

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled Senate bills, with a message that they have concurred in the amendments of the Assembly made thereto:

"An act to legalize, ratify and confirm the action of the town board of the town of Stockport, in the county of Columbia, compromising and settling certain claims of James A. Haynes against said town and certain litigation with reference thereto." (No. 1112, Assembly reprint No. 2221, Rec. No. 277.)

"An act to amend the Code of Civil Procedure, relating to the contents of a complaint, answer and reply." (No. 14, Assembly reprint No. 2280, Rec. No. 127.)

Ordered, That the Clerk return said bills to the Senate.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend chapter 506 of the Laws of 1902, entitled 'An act to amend the charter of the village of Saratoga Springs, and to provide for the appointment of sewer, water and street commissioners for said village, and to prescribe their powers and duties.'" (No. 2193, Int. No. 1523.)

“An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens.” (No. 1478, Int. No. 69.)

“An act authorizing the village of Weedsport to issue bonds.” (No. 2177, Int. No. 1511.)

“An act to amend the Membership Corporations Law, relative to soldiers’ monument corporations.” (No. 2084, Int. No. 1469.)

“An act to change the name of the Sacred Heart Academy to Clason Point Military Academy.” (No. 2191, Int. No. 1521.)

“An act to legalize the acts of Leon C. Rhodes, a notary public.” (No. 2173, Int. No. 1507.)

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Rogers, the House adjourned.

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WEDNESDAY, May 3, 1905.

The House met pursuant to adjournment.

Prayer by Rev. John Lowe Fort, Jr.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Speaker presented the annual report of the State Architect, which was laid upon the table and ordered printed.

(See Document.)

Also, the eighteenth annual report of the Mohawk and Hudson River Humane Society, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the State Racing Association, which was laid upon the table and ordered printed.

(See Document.)

Mr. Murphy introduced a bill entitled “An act authorizing the fire commissioner of the city of New York, to rehear and retry the charges upon which William E. Collins, formerly a foreman

in the fire department of said city, was dismissed from said department and to reinstate him in his former position" (Int. No. 1600), which was read the first time and referred to the committee on affairs of cities.

Mr. Fish introduced a bill entitled "An act to establish the boundary line between the State of Vermont and the State of New York from the northwest corner of the commonwealth of Massachusetts to the Poultney river" (Int. No. 1601), which read the first time and referred to the committee on the judiciary.

The Senate sent for concurrence the following entitled bills:

"An act to legalize the acts of James C. McCormick" (No. 1463, Rec. No. 471), which was read the first time and referred to the committee on the judiciary.

"An act making an appropriation for the quarantine stations at Hoffman and Swinburne Islands" (No. 1482, Rec. No. 472), which was read the first time and referred to the committee on ways and means.

"An act to amend section 250 of the Code of Criminal Procedure relating to the grand jury and the appointment of a clerk and his duties" (No. 771, Rec. No. 473), which was read the first time and referred to the committee on codes.

"An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims and the duties of the Attorney-General and Superintendent of Public Works, in respect to claims submitted to such court" (No. 1468, Rec. No. 474), which was read the first time and referred to the committee on codes.

"An act to amend the Election Law, generally" (No. 1376, Rec. No. 475), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 676 of the Laws of 1898, entitled 'An act to create a Metropolitan Elections District; provide for the appointment of a State Superintendent therein, and to prescribe his powers and duties,' generally" (No. 1427, Rec. No. 476), which was read the first time and referred to the committee on the judiciary.

“An act to amend chapter 666 of the Laws of 1893, entitled ‘An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,’ and the acts amendatory thereof, in relation to meetings of board of trustees, a board of street commissioners, a board of water commissioners, the office of treasurer and collector, compensation of assessors, and assessments” (No. 1466, Rec. No. 477), which was read the first time and referred to the committee on affairs of villages.

“An act to amend the Forest, Fish and Game Law, in relation to the penalties and to the duties of the Attorney-General” (No. 1461, Rec. No. 478), which was read the first time and referred to the committee on fisheries and game.

“An act to amend section 53 of chapter 565 of the Laws of 1895, as amended by chapter 199, Laws of 1898, and by chapter 289, Laws of 1899, and by chapter 271, Laws of 1902, and by chapter 595, Laws of 1904, relative to the annual tax levy in the city of Little Falls” (No. 1000, Rec. No. 479), which was read the first time and referred to the committee on affairs of cities.

“An act to confer additional powers upon the board of health of the city of Binghamton, authorizing said board to acquire swamp lands in the name and for the benefit of said city for the purpose of filling or draining the same in the interest of the public health; and to provide for the use or disposition of the lands so acquired and reclaimed; and for other related purposes” (No. 1362, Rec. No. 480), which was read the first time and referred to the committee on affairs of cities.

“An act to amend section 12 of the Tax Law relating to the taxation of the capital stock of domestic corporations” (No. 962, Rec. No. 481), which was read the first time and referred to the committee on taxation and retrenchment.

“An act to amend sections 27 and 31 of the Tax Law in relation to the mode of assessment of domestic corporations” (No. 1055, Rec. No. 482), which was read the first time and referred to the committee on taxation and retrenchment.



"An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class' " (No. 1279, Rec. No. 483), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, in relation to promotions in the police department " (No. 1483, Rec. No. 484), which was read the first time and referred to the committee on affairs of cities.

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Talcott Wells and John Wells against the State for damages alleged to have been sustained by them and to render judgment therefor " (No. 1454, Rec. No. 485), which was read the first time and referred to the committee on claims.

"An act to amend the Insurance Law in relation to jurisdiction of superintendent over foreign corporations " (No. 1499, Rec. No. 486), which was read the first time and referred to the committee on insurance.

"An act to amend the Labor Law, relating to the protection of persons employed on buildings in cities " (No. 1504, Rec. No. 487), which was read the first time and referred to the committee on labor and industries.

"An act to amend chapter 537 of the Laws of 1893, entitled 'An act providing for ascertaining and paying the amount of damages to lands and buildings, suffered by reason of changes of grade of streets or avenues, made pursuant to chapter 721 of the Laws of 1887, providing for the depression of railroad tracks in the Twenty-third and Twenty-fourth wards, in the city of New York or otherwise,' as amended by chapter 567 of the Laws of 1894, by chapter 729 of the Laws of 1900 and by other amendatory acts, relative to damages caused by changes of grade to certain property in the Twenty-third and Twenty-fourth wards of the borough of the Bronx of the city of New York, by permitting the filing of claims and the awarding of damages as to such property by the commission constituted by chapter 537 of the Laws of 1893 as so



amended " (No. 1484, Rec. No. 488), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Agricultural Law, relative to the promotion and encouragement of sugar beet culture" (No. 1496, Rec. No. 489), which was read the first time and referred to the committee on agriculture.

"An act to suspend the limitation of time for the completion and operation of railroads heretofore sold under foreclosure and for the relief of the same" (No. 1366, Rec. No. 490), which was read the first time and referred to the committee on railroads.

"An act to amend subdivision 2 of section 24 of chapter 112 of the Laws of 1896, the Liquor Tax Law, as amended by chapter 312 of the Laws of 1897 and as amended by chapter 485 of the Laws of 1904, relating to places in which the traffic in liquor shall not be permitted" (No. 1464, Rec. No. 491), which was read the first time and referred to the committee on excise.

"An act to amend chapter 591 of the Laws of 1904, entitled 'An act prescribing method for acquiring land and water for State Fish Hatchery purposes,' in relation to securing fish eggs" (No. 1505, Rec. No. 492), which was read the first time and referred to the committee on fisheries and game.

"An act to amend the Banking Law in relation to examinations of banks, savings banks, trust companies, and other corporations under the supervision of the banking department" (No. 395, Rec. No. 493), which was read the first time and referred to the committee on banks.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately:

"An act to provide for the treatment of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated or who are found guilty of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description." (No. 2351, Int. No. 189.)

“An act to amend chapter 182 of the Laws of 1898, entitled ‘An act for the government of cities of the second class,’ relative to police pension fund and firemen’s pension fund.” (No. 2234, Int. No. 1477.)

Which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported :

“An act to amend the Tax Law in relation to taxable transfers of property.” (No. 2331, Int. No. 1573.)

“An act to legalize the acts of Israel Levine, a notary public.” (No. 2339, Int. No. 1576.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State.” (No. 2350, Int. No. 1584.)

“An act to amend subdivision 1 of section 31 of chapter 615 of the Laws of 1894, entitled ‘An act to revise the charter of the city of Elmira,’ as amended by chapter 371 of the Laws of 1895, in relation to the payment of the bonds of said city.” (No. 2343, Int. No. 1577.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State.” (No. 2348, Int. No. 1582.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims on account of the several counties of this State.” (No. 2349, Int. No. 1583.)

“An act to amend the Highway Law, relative to the removal of snow from highways, in towns which have adopted the money system.” (No. 2136, Int. No. 1490.)

“An act to amend chapter 235 of the Laws of 1904, entitled ‘An act to validate the record of certain deeds and other instruments

affecting the title to real estate,' in relation to the officers taking the acknowledgment or proof." (No. 2345, Int. No. 1579.)

"An act to amend the Code of Civil Procedure, relative to the succession to personal property." (No. 2261, Rec. No. 159.)

"An act to establish a commission of gas and electricity with power to regulate the price of gas and electric light and certain other electric services, and to provide for the control and supervision of gas, electric light and other electric corporations and making an appropriation therefor." (No. 2355, Int. 1592.)

"An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof." (No. 2356, Int. No. 1591.)

"An act in relation to the price of illuminating gas furnished or sold to the city of New York and providing a penalty for violation." (No. 2358, Int. No. 1589.)

"An act in relation to the price of electric current furnished or sold in the city of New York, for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation." (No. 2360, Int. No. 1593.)

"An act to provide for the utilization, by the city of New York, of its water supply for the purpose of generating electric current for the use of said municipality." (No. 2361, Int. No. 1587.)

Which report was agreed to and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the following entitled Senate bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately:

"An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws.'" (No. 1030, Rec. No. 335.)

"An act to amend the Liquor Tax Law in relation to the definition of trafficking in liquors." (No. 1220, Rec. No. 359.)

Which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled Senate bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported:

"An act making an appropriation for the quarantine stations at Hoffman and Swinburne islands." (No. 1482, Rec. No. 472.)

"An act to amend the Insurance Law, in relation to expense of management of life or casualty insurance corporations upon the cooperative or assessment plan." (No. 1457, Rec. No. 467.)

"An act for the promotion of agriculture and making an appropriation therefor." (No. 158, Rec. No. 298.)

"An act to amend an act entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals, being chapter 580 of the Laws of 1902' to authorize the formation of an appellate term in the second judicial department, to appoint clerks and attendants, and to provide for the expenses thereof." (No. 963, Rec. No. 258.)

"An act to amend the Code of Civil Procedure in relation to accountants." (No. 1306, Rec. No. 466.)

"An act to revise and consolidate the charter of the village of Ossining, and to extend the boundaries of said village." (No. 1471, Rec. No. 469.)

"An act to amend the Forest, Fish and Game Law by providing for the appointment of game protectors for Jamaica bay and adjacent waters on Long Island and making an appropriation thereof." (No. 1329, Rec. No. 437.)

"An act to amend sections 150, 156, 169 and 170 of the Railroad Law relative to the Board of Railroad Commissioners." (No. 1487, Rec. No. 468.)

Which report was agreed to and said bills ordered made special orders on second and third reading immediately after the con-



sideration of the special orders on third reading heretofore reported.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed :

“An act creating a commission to inquire as to the most practical method of providing modern prison buildings.” (No. 2313, Rec. No. 294.)

“An act to amend section 29 of chapter 466 of the Laws of 1877, entitled ‘An act in relation to assignments of the estates of debtors for the benefit of creditors.’ ” (No. 2312, Rec. No. 65.)

“An act to abolish the office of curator of the medical department of the University of Buffalo and vesting his powers and duties in the faculty of the medical department of such university.” (No. 2323, Rec. No. 101.)

“An act to amend chapter 4 of the Laws of 1891, entitled ‘An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,’ as amended by chapter 616 of the Laws of 1900, and further amended by chapter 544 of the Laws of 1902.” (No. 2325, Rec. No. 351.)

“An act to amend chapter 818 of the Laws of 1868, entitled ‘An act to incorporate the village of Port Chester.’ ” (No. 2309, Rec. No. 255.)

“An act to establish a commission of gas and electricity with power to regulate the price of gas and electric light and certain other electric services, and to provide for the control and supervision of gas, electric light and other electric corporations and making an appropriation therefor.” (No. 2355, Int. No. 1592.)

“An act in relation to illuminating gas in the city of New York and regulating the quality and pressure thereof and the price to consumers other than said city and providing a penalty for violation.” (No. 2372, Int. No. 1590.)

“An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation.” (No. 2371, Int. No. 1588.)



“An act in relation to the price of electric current furnished or sold in the city of New York, for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation.” (No. 2360, Int. No. 1593.)

“An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof.” (No. 2356, Int. No. 1591.)

“An act to provide for the utilization, by the city of New York, of its water supply for the purpose of generating electric current for the use of said municipality.” (No. 2361, Int. No. 1587.)

“An act in relation to the price of illuminating gas furnished or sold to the city of New York and providing a penalty for violation.” (No. 2358, Int. No. 1589.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State.” (No. 2350, Int. No. 1584.)

“An act to amend chapter 117 of the Laws of 1883, entitled ‘An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof.’” (No. 2353, Rec. No. 430.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State.” (No. 2348, Int. No. 1582.)

“An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims on account of the several counties of this State.” (No. 2349, Int. No. 1583.)

“An act to amend subdivision 1 of section 31 of chapter 615 of the Laws of 1894, entitled ‘An act to revise the charter of the city of Elmira,’ as amended by chapter 371 of the Laws of 1895, in relation to the payment of the bonds of said city.” (No. 2343, Int. No. 1577.)

“An act to legalize the acts of Israel Levine, a notary public.” (No. 2339, Int. No. 1576.)

“An act to amend the Tax Laws in relation to taxable transfers of property.” (No. 2331, Int. No. 1573.)

"An act to amend chapter 235 of the Laws of 1904, entitled 'An act to validate the record of certain deeds and other instruments affecting the title to real estate,' in relation to the officers taking the acknowledgment or proof." (No. 2345, Int. No. 1579.)

"An act to provide for the treatment of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated or who are found guilty of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description." (No. 2351, Int. No. 189.)

"An act to amend the Code of Civil Procedure, relative to the succession to personal property." (No. 2261, Rec. No. 159.)

"An act to amend the Greater New York charter, in relation to the rank and to the salaries of surgeons of police." (No. 2342, Int. No. 1446.)

Mr. Palmer, from the joint committee of the Senate and Assembly, appointed pursuant to joint resolution adopted March 16, 1905, for the purpose of investigating gas and electric lighting in the city of New York, presented the following minority report:

*To the Legislature of the State of New York:*

The undersigned, a minority of the joint committee of the Senate and Assembly appointed pursuant to joint resolution adopted March 16, 1905, for the purpose of investigating and examining into the lighting situation in the city of New York, do hereby respectfully report that we dissent most particularly from the eighth subdivision of the "Specific Recommendations" reported by the majority and from the bill, submitted in accordance therewith, for the creation of a State commission to be vested with powers now vested in the Legislature and providing for a procedure which, whether intended in that direction, could easily be employed for the blackmail of the corporations affected or their subordination to the political demands of a majority of such commission.

We take exception to what we must regard as a want of fairness on the part of the majority of the committee in dealing with the municipal lighting of the city of New York. If it was deemed necessary to state that the mayor had disapproved the action of the commissioner in signing the contracts for 1904, justice required that the reference be accompanied by the state-

ment that the mayor testified that he had entirely satisfied himself that all that Commissioner Oakley had done in that connection was entirely in good faith, and that the comptroller of the city of New York had testified that, while the contracts thus signed by Mr. Oakley were not ideal in their character, yet it must be said in that behalf that they were the best contracts for public lighting that the city had ever made, both as to the supply of gas and of electricity.

We find no reference in the report to the fact that the committee investigated some of the contracts made with the Consolidated Gas Company by at least one private corporation, with a view to ascertaining whether such contracts were intended as an inducement to or a reward for official favors and political influence. The testimony upon that point thoroughly refuted the charge made, that the gas companies were being exploited for profitable contracts in exchange for political favors, and proved the utter baselessness of the oft-repeated sensational statement that there was a fifteen-million-dollar contract in existence in connection with the Astoria Gas Plant, and that it had been entered into as the price of political friendship and official protection.

We have attempted, but have been unable, to make such comparison as would justify a concurrence in or an intelligent criticism of the figures submitted in connection with the report of the majority of the committee and the conclusions based upon any such arrangement and deductions from such figures as are submitted. We have not been able to complete this work in the time which it was possible for us to devote to its prosecution, and in omitting any other reference to the report of the majority of the committee, we are not to be understood as accepting or rejecting any statement therein contained, except as herein specifically referred to.

All of which is respectfully submitted.

THOS. F. GRADY,  
G. M. PALMER.

Dated, ALBANY, N. Y., *May 3, 1905.*

Which was read and ordered printed with the report of the said joint committee.

Mr. Speaker announced the special order, being the bill (No. 2351) entitled "An act to provide for the treatment of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated or who are found guilty

of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description." (Int. No. 189.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hubbs        | Phillips     | Stanley      |
| Allen F E   | Cox        | Hurd         | Plank        | Steele       |
| Allen J G   | Cunningham | Knapp        | Platt        | Stevens      |
| Anderson    | Dale       | La Fetra     | Pratt        | Sullivan     |
| Bass        | Dodd       | La Rue       | Prentice     | Tenjost      |
| Becker      | Donovan    | Leggett      | Prince       | Thompson G F |
| Bedell      | Dowling    | Lewis        | Quinn        | Thompson J A |
| Beebe       | Ellis      | Machacek     | Reeve        | Thonet       |
| Beihlf      | Etzel      | Maier        | Rigby        | Tompkins     |
| Bird        | Evans      | Malloy       | Rogers       | Waddell      |
| Bisland     | Everett    | Mathews T F  | Rosenstein   | Wade         |
| Brady       | Fitzsimons | Matthews C R | Salomon      | Wagner       |
| Brooks      | Foelker    | McKeown      | Santee       | Wainwright   |
| Burnett     | Foster     | McManus      | Schoeneck    | Wedemeyer    |
| Burns       | Francisco  | Merritt      | Scovill      | West         |
| Burzynski   | Fuller     | Miller       | Shanahan     | Wemple       |
| Byrne       | Gardner    | Monroe       | Sheehy       | Whitney F G  |
| Cadin       | Gates      | Moreland     | Sheldon      | Whitney G H  |
| Cahn        | Grady      | Murphy       | Shuttleworth | Wiegand      |
| Callahan    | Gray       | Nugent       | Slocum       | Wilsnack     |
| Carrier     | Gurnett    | Ogden        | Smith A P    | Wilson       |
| Caughlan    | Hammond    | O'Neill      | Smith A E    | Wolf         |
| Charles E E | Hapeman    | Parker       | Smith J E    | Wood F C     |
| Charles W B | Hartman    | Patton       | Smith J T    | Wood F X     |
| Cooke       | Hooker     | Pendry       | Smith R H    | Yale         |
| Coon        | Hooper     | Perry        | Standart     | Young        |
| Cotton      |            |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2234) entitled "An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class,'



relative to police pension fund and firemen's pension fund." (Int. No. 1477.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hapeman      | Patton       | Smith J T    |
| Allen F E   | Cox        | Hartman      | Pendry       | Smith R H    |
| Allen J G   | Cunningham | Hastings     | Perry        | Stanley      |
| Apgar       | Dale       | Hooper       | Phillips     | Steele       |
| Bass        | Dodd       | Hornidge     | Platt        | Stevens      |
| Becker      | Donovan    | Hubbs        | Pratt        | Tenjost      |
| Bedell      | Dowling    | Hurd         | Prentice     | Thompson G F |
| Beebe       | Ellis      | Kavanaugh    | Prince       | Thompson J A |
| Beihlf      | Etzel      | Knapp        | Quinn        | Thonet       |
| Bird        | Evans      | La Fetra     | Reeve        | Tompkins     |
| Bisland     | Everett    | Leggett      | Reilly       | Waddell      |
| Brady       | Fish       | Lewis        | Rigby        | Wade         |
| Brooks      | Fitzsimons | Machacek     | Rogers       | Wagner       |
| Burnett     | Foelker    | Malloy       | Rosenstein   | Wadsworth    |
| Burns       | Foster     | Mathews T F  | Salomon      | Wainwright   |
| Burzynski   | Francisco  | Matthews C R | Santee       | Wedemeyer    |
| Byrne       | Freidel    | McKeown      | Schoeneck    | West         |
| Cadin       | Fuller     | McManus      | Scovill      | Whitney F G  |
| Cahn        | Gardner    | Merritt      | Shanahan     | Whitney G H  |
| Callahan    | Gates      | Monroe       | Sheldon      | Wiegand      |
| Carrier     | Grady      | Moreland     | Sherry       | Wilson       |
| Caughlan    | Gray       | Newton       | Shuttleworth | Wolf         |
| Charles E E | Gurnett    | Ogden        | Slocum       | Wood F C     |
| Charles W B | Hackett    | O'Neill      | Smith A P    | Wood F X     |
| Cooke       | Hammond    | Palmer       | Smith A E    | Yale         |
| Coon        | Hanford    | Parker       | Smith J E    | Young        |
| Cotton      |            |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1030) entitled "An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws.'" (Rec. No. 335.)



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hapeman      | Pendry       | Smith J T    |
| Allen F E   | Coutant    | Hartman      | Perry        | Smith R H    |
| Allen J G   | Cowan      | Hooker       | Phillips     | Standart     |
| Anderson    | Cox        | Hornidge     | Plank        | Stanley      |
| Apgar       | Cunningham | Hubbs        | Platt        | Steele       |
| Bass        | Dodd       | Kavanaugh    | Pratt        | Stevens      |
| Becker      | Donovan    | Knapp        | Prince       | Sullivan     |
| Bedell      | Dowling    | La Rue       | Quinn        | Tenjost      |
| Beebe       | Ellis      | Lewis        | Reeve        | Thompson J A |
| Beihilf     | Etzel      | Machacek     | Reilly       | Thonet       |
| Bird        | Evans      | Maier        | Rigby        | Tompkins     |
| Bisland     | Everett    | Mathews T F  | Rosenstein   | Waddell      |
| Brady       | Fitzsimons | Matthews C R | Salomon      | Wagner       |
| Burnett     | Foelker    | McKeown      | Sammon       | Wadsworth    |
| Burns       | Foster     | McManus      | Santee       | Wainwright   |
| Burzynski   | Francisco  | Mead         | Schoeneck    | West         |
| Byrne       | Freidel    | Miller       | Seovill      | Wemple       |
| Cahn        | Fuller     | Monroe       | Shanahan     | Whitney F G  |
| Callahan    | Gardner    | Murphy       | Sheldon      | Wiegand      |
| Carrier     | Gates      | Nugent       | Sherry       | Wilsnack     |
| Caughlan    | Grattan    | Ogden        | Shuttleworth | Wolf         |
| Charles W B | Gray       | O'Neill      | Slocum       | Wood F C     |
| Cooke       | Gurnett    | Palmer       | Smith A P    | Yale         |
| Coon        | Hammond    | Patton       | Smith A E    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1220) entitled "An act to amend the Liquor Tax Law in relation to the definition of trafficking in liquors." (Rec. No. 359.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hanford      | Pendry       | Smith J T    |
| Allen F E   | Coutant    | Hapeman      | Perry        | Smith R H    |
| Allen J G   | Cowan      | Hastings     | Phillips     | Standart     |
| Anderson    | Cox        | Hooker       | Plank        | Stanley      |
| Bass        | Cunningham | Hornidge     | Platt        | Stevens      |
| Becker      | Dale       | Hubbs        | Pratt        | Sullivan     |
| Bedell      | Dodd       | Kavanaugh    | Prentice     | Tenjost      |
| Beebe       | Donovan    | La Fetra     | Prince       | Thompson J A |
| Beihilf     | Dowling    | La Rue       | Quinn        | Thonet       |
| Bird        | Ellis      | Lewis        | Reeve        | Waddell      |
| Bisland     | Etzel      | Maier        | Rigby        | Wade         |
| Brady       | Evans      | Malloy       | Rogers       | Wagner       |
| Brooks      | Everett    | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Fish       | McKeown      | Salomon      | Wedemeyer    |
| Burns       | Fitzsimons | McManus      | Sammon       | West         |
| Byrne       | Foster     | Merritt      | Santee       | Whitney F G  |
| Cadin       | Francisco  | Miller       | Schoeneck    | Whitney G H  |
| Cahn        | Fuller     | Moreland     | Shanahan     | Wilsnack     |
| Carrier     | Gardner    | Murphy       | Sheehy       | Wilson       |
| Caughlan    | Grady      | Newton       | Sheldon      | Wolf         |
| Charles E E | Grattan    | Ogden        | Shuttleworth | Wood F C     |
| Charles W B | Gray       | O'Neill      | Slocum       | Yale         |
| Cooke       | Hackett    | Parker       | Smith A P    | Young        |
| Coon        | Hammond    | Patton       | Smith J E    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2371 (Int. No. 1588),

entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. s.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2371) entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation." (Int. No. 1588.) -

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Hooper       | Pendry     | Smith R H    |
| Allen F E | Cunningham | Hornidge     | Perry      | Standart     |
| Allen J G | Dale       | Hubbs        | Phillips   | Stanley      |
| Anderson  | Dodd       | Hurd         | Plank      | Steele       |
| Apgar     | Donovan    | Kavanaugh    | Platt      | Stevens      |
| Bass      | Dowling    | Knapp        | Pratt      | Sullivan     |
| Becker    | Ellis      | La Fetra     | Prentice   | Tenjost      |
| Bedell    | Etsel      | La Rue       | Prince     | Thompson G F |
| Beebe     | Evans      | Leggett      | Quinn      | Thompson J A |
| Beihilf   | Everett    | Lewis        | Reeve      | Thonet       |
| Bird      | Fish       | Machacek     | Reilly     | Tompkins     |
| Bisland   | Fitzsimons | Maier        | Rigby      | Waddell      |
| Brady     | Foelker    | Malloy       | Rogers     | Wade         |
| Brooks    | Foster     | Mathews T F  | Rosenstein | Wagner       |
| Burnett   | Francisco  | Matthews C R | Salomon    | Wadsworth    |
| Burns     | Freidel    | McKeown      | Sammon     | Wainwright   |
| Burzynski | Fuller     | McManus      | Santee     | Wedemeyer    |
| Byrne     | Gardner    | Mead         | Shoenek    | West         |
| Cadin     | Gates      | Merritt      | Scovill    | Wemple       |

|             |          |          |              |             |
|-------------|----------|----------|--------------|-------------|
| Cahn        | Grady    | Miller   | Shanahan     | Whitney F G |
| Callahan    | Grattan  | Monroe   | Sheehy       | Whitney G H |
| Carrier     | Gray     | Moreland | Sheldon      | Wiegand     |
| Caughlan    | Gurnett  | Murphy   | Sherry       | Wilsnack    |
| Charles E E | Hackett  | Newton   | Shuttleworth | Wilson      |
| Charles W B | Hammond  | Nugent   | Slocum       | Wolf        |
| Cooke       | Hanford  | Ogden    | Smith A P    | Wood F C    |
| Coon        | Hapeman  | O'Neill  | Smith A E    | Wood F X    |
| Cotton      | Hartman  | Palmer   | Smith J E    | Yale        |
| Coutant     | Hastings | Parker   | Smith J T    | Young       |
| Cowan       | Hooker   | Patton   |              |             |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2372 (Int. No. 1590), entitled "An act in relation to illuminating gas in the city of New York and regulating the quality and pressure thereof and the price to consumers other than said city and providing a penalty for violation."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. s.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2372) entitled "An act in relation to illuminating gas in the city of New York and regulating the quality and pressure thereof and the price to consumers other than said city and providing a penalty for violation." (Int. No. 1590.)

Mr. Sullivan moved to amend as follows :

Page 2, line 9, after the word "first" insert the words "and second," and on line 14 strike out the word "second."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Wainwright moved to amend as follows :

Page 2, adding at the end of line 15 the words "excepting that in that portion of the borough of the Bronx within the boundaries of the former incorporated villages of Wakefield and Williamsbridge, the said price or charge shall not exceed the sum of seventy-five cents per one thousand cubic feet."

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the negative.

Mr. Grady moved to amend as follows :

Page 2, lines 7, 8 and 9, strike out the words "except that portion of the borough of Brooklyn known as Coney Island."

Same page, lines 15 and 16, strike out the words "in that portion of the borough of Brooklyn known as Coney Island."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Wedemeyer moved to amend as follows :

Page 2, line 15, after the word "Queens" insert the words "and in the borough of Richmond."

Same page, line 17, strike out the words "and in the borough of Richmond."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Rogers, said bill was then read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjust      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Evans in the Chair.

Mr. Speaker announced the special order, being the bill (No. 2355) entitled "An act to establish a commission of gas and electricity with power to regulate the price of gas and electric light and certain other electric services, and to provide for the control and supervision of gas, electric light and other electric corporations and making an appropriation therefor." (Int. No. 1592.)

Said bill having been announced for a second reading,

Mr. Palmer moved to amend as follows:

Page 2, line 11, after the word "chairman" insert the words "one of said commissioners shall be a person familiar with the manufacture, production and delivery of gas, and one of said persons shall be familiar with the production and delivery of elec-

tricity for lighting and power purposes, and of the persons so appointed at least one shall be of the political party which, at the last preceding election, cast the second highest number of votes for the candidates nominated and voted for at such election."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 46

NOES 98

Those who voted in the affirmative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Anderson  | Donovan    | Kavanaugh   | Prince     | Smith A E    |
| Bird      | Ellis      | La Petra    | Quinn      | Smith R H    |
| Burns     | Everett    | Machacek    | Reilly     | Sullivan     |
| Burzynski | Fitzsimons | Malloy      | Rosenstein | Thompson J A |
| Byrne     | Fuller     | Mathews T F | Salomon    | Tompkins     |
| Cahn      | Grady      | McKeown     | Sammon     | Wagner       |
| Caughlan  | Gurnett    | McManus     | Shanahan   | Wedemeyer    |
| Cooke     | Hackett    | Nugent      | Sheehy     | Wiegand      |
| Dale      | Hornidge   | Palmer      | Sherry     | Wolf         |
| Dodd      |            |             |            |              |

Those who voted in the negative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hubbs        | Perry        | Steele       |
| Allen F E   | Cunningham | Hurd         | Phillips     | Stevens      |
| Allen J G   | Dowling    | Knapp        | Plank        | Tenjost      |
| Apgar       | Etzel      | La Rue       | Pratt        | Thompson G F |
| Bass        | Evans      | Leggett      | Prentice     | Thonet       |
| Becker      | Fish       | Lewis        | Reeve        | Waddell      |
| Bedell      | Foelker    | Maier        | Rigby        | Wade         |
| Beebe       | Foster     | Matthews C R | Rogers       | Wadsworth    |
| Beihlf      | Francisco  | Mead         | Santee       | Wainwright   |
| Bisland     | Freidel    | Merritt      | Schoeneck    | West         |
| Brady       | Gardner    | Miller       | Scovill      | Wemple       |
| Brooks      | Gates      | Monroe       | Sheldon      | Whitney F G  |
| Burnett     | Gray       | Moreland     | Shuttleworth | Whitney G H  |
| Cadin       | Hammond    | Murphy       | Slocum       | Wilsnack     |
| Callahan    | Hanford    | Newton       | Smith A P    | Wilson       |
| Carrier     | Hapeman    | Ogden        | Smith J E    | Wood F C     |
| Charles E E | Hartman    | O'Neill      | Smith J T    | Wood F X     |
| Coon        | Hastings   | Parker       | Standart     | Yale         |
| Cotton      | Hooker     | Patton       | Stanley      | Young        |
| Coutant     | Hooper     | Pendry       |              |              |

Mr. Burnett moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cowan      | Hurd      | Phillips | Steele       |
| Allen F E | Cunningham | Kavanaugh | Plank    | Stevens      |
| Allen J G | Dale       | Knapp     | Pratt    | Sullivan     |
| Anderson  | Dodd       | La Petra  | Prentice | Tenjost      |
| Apgar     | Donovan    | La Rue    | Prince   | Thompson G F |
| Bass      | Dowling    | Leggett   | Quinn    | Thompson J A |

|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Becker      | Ellis     | Lewis        | Reeve        | Thonet      |
| Bedell      | Etzel     | Machacek     | Rigby        | Tompkins    |
| Beebe       | Evans     | Maier        | Rogers       | Waddell     |
| Beihlf      | Foelker   | Malloy       | Rosenstein   | Wade        |
| Bird        | Foster    | Mathews T F  | Salomon      | Wagner      |
| Bisland     | Francisco | Matthews C R | Sammon       | Wadsworth   |
| Brooks      | Freidel   | McManus      | Santee       | Wainwright  |
| Burnett     | Fuller    | Mead         | Schoeneck    | Wedemeyer   |
| Burns       | Gardner   | Merritt      | Scovill      | West        |
| Burzynski   | Gates     | Miller       | Shanahan     | Wemple      |
| Byrne       | Grady     | Monroe       | Sheldon      | Whitney F G |
| Cadin       | Gray      | Moreland     | Sherry       | Whitney G H |
| Cahn        | Gurnett   | Murphy       | Shuttleworth | Wiegand     |
| Callahan    | Hackett   | Newton       | Slocum       | Wilsnack    |
| Carrier     | Hammond   | Nugent       | Smith A P    | Wilson      |
| Caughlan    | Hanford   | Ogden        | Smith A E    | Wolf        |
| Charles E E | Hapeman   | O'Neill      | Smith J E    | Wood F C    |
| Charles W B | Hartman   | Palmer       | Smith J T    | Wood F X    |
| Cooke       | Hastings  | Parker       | Smith R H    | Yale        |
| Coon        | Hooker    | Patton       | Standart     | Young       |
| Cotton      | Hooper    | Pendry       | Stanley      | Speaker     |
| Coutant     | Hubbs     | Perry        |              |             |

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A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2355 (Int. No. 1592), entitled "An act to establish a commission of gas and electricity with power to regulate the price of gas and electric light and certain other electric services, and to provide for the control and supervision of gas, electric light and other electric corporations and making an appropriation therefor."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. S.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker in the Chair.

Debate was had on said bill, when

Mr. Merritt moved the previous question.

Mr. Speaker put the question " Shall the main question be now put? " and it was determined in the affirmative.

On motion of Mr. Burnett, said bill was then read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 99

NOES 45

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooper       | Pendry       | Steele       |
| Allen F E   | Cowan      | Hubbs        | Perry        | Stevens      |
| Allen J G   | Cunningham | Hurd         | Phillips     | Tenjust      |
| Apgar       | Dowling    | Knapp        | Plank        | Thompson G F |
| Bass        | Etzel      | La Rue       | Pratt        | Thonet       |
| Becker      | Evans      | Leggett      | Prentice     | Waddell      |
| Bedell      | Fish       | Lewis        | Reeve        | Wade         |
| Beebe       | Foelker    | Maier        | Rigby        | Wadsworth    |
| Beihlf      | Foster     | Matthews C R | Rogers       | Wainwright   |
| Bisland     | Francisco  | Mead         | Santee       | West         |
| Brady       | Freidel    | Merritt      | Schoeneck    | Wemple       |
| Brooks      | Gardner    | Miller       | Seovill      | Whitney F G  |
| Burnett     | Gates      | Monroe       | Sheldon      | Whitney G H  |
| Cadin       | Gray       | Moreland     | Shuttleworth | Wilsnack     |
| Callahan    | Hammond    | Murphy       | Slocum       | Wilson       |
| Carrier     | Hanford    | Newton       | Smith A P    | Wood F C     |
| Charles E E | Hapeman    | Ogden        | Smith J E    | Wood F X     |
| Charles W B | Hartman    | O'Neill      | Smith J T    | Yale         |
| Coon        | Hastings   | Parker       | Standart     | Young        |
| Cotton      | Hooker     | Patton       | Stanley      |              |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Anderson  | Dodd       | Kavanaugh   | Prince     | Smith A E    |
| Bird      | Donovan    | La Fetra    | Quinn      | Smith R H    |
| Burns     | Ellis      | Machacek    | Reilly     | Sullivan     |
| Burzynski | Everett    | Malloy      | Rosenstein | Thompson J A |
| Byrne     | Fitzsimons | Mathews T F | Salomon    | Tompkins     |
| Cahn      | Fuller     | McKeown     | Sammon     | Wagner       |
| Caughlan  | Grady      | McManus     | Shanahan   | Wedemeyer    |
| Cooke     | Gurnett    | Nugent      | Sheehy     | Wiegand      |
| Dale      | Hackett    | Palmer      | Sherry     | Wolf         |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2356 (Int. No. 1591), entitled "An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. S.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2356) entitled "An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof." (Int. No. 1591.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |           |
|-----------|------------|----------|----------|-----------|
| Agnew     | Cox        | Hooper   | Pendry   | Smith R H |
| Allen F E | Cunningham | Hornidge | Perry    | Standart  |
| Allen J G | Dale       | Hubbs    | Phillips | Stanley   |
| Anderson  | Dodd       | Hurd     | Plank    | Steele    |



|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjest      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

#### STATE OF NEW YORK—EXECUTIVE CHAMBER.

##### *To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2358 (Int. No. 1589), entitled "An act in relation to the price of illuminating gas furnished or sold to the city of New York and providing a penalty for violation."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. s.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2358) entitled "An act in relation to the price of illuminating gas furnished or sold in the city of New York and providing a penalty for violation." (Int. No. 1589.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 147

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Merritt      | Schoeneck    | West         |
| Cadin       | Gates      | Miller       | Scovill      | Wemple       |
| Cahn        | Grady      | Monroe       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Moreland     | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Murphy       | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Newton       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Nugent       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Ogden        | Slocum       | Wolf         |
| Cooke       | Hanford    | O'Neill      | Smith A P    | Wood F C     |
| Coon        | Hapeman    | Palmer       | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Parker       | Smith J E    | Yale         |
| Coutant     | Hastings   | Patton       | Smith J T    | Young        |
| Cowan       | Hooker     |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Governor was received and read, in the words following:

## STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2360 (Int. No. 1593), entitled "An act in relation to the price of electric current furnished or sold in the city of New York for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third  
[L. s.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2360) entitled "An act in relation to the price of electric current furnished or sold in the city of New York, for light, heat, power, or other purposes to consumers other than said city and providing a penalty for violation." (Int. No. 1593.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |           |
|-----------|------------|-----------|----------|-----------|
| Agnew     | Cox        | Hooper    | Pendry   | Smith R H |
| Allen F E | Cunningham | Hornidge  | Perry    | Standart  |
| Allen J G | Dale       | Hubbs     | Phillips | Stanley   |
| Anderson  | Dodd       | Hurd      | Plank    | Steele    |
| Apgar     | Donovan    | Kavanaugh | Platt    | Stevens   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2361 (Int. No. 1587), entitled "An act to provide for the utilization, by the city of New York, of its water supply for the purpose of generating electric current for the use of said municipality."

Given under my hand and the privy seal of the State,  
at the Capitol in the city of Albany, this third

[L. S.] day of May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,  
*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2361) entitled "An act to provide for the utilization, by the city of New York, of its water supply for the purpose of generating electric current for the use of said municipality." (Int. No. 1587.)

On motion of Mr. Rogers, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 148

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hubbs        | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Allen J G   | Dale       | Hubbs        | Phillips     | Stanley      |
| Anderson    | Dodd       | Hurd         | Plank        | Steele       |
| Apgar       | Donovan    | Kavanaugh    | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince       | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Everett    | Lewis        | Reeve        | Thonet       |
| Bird        | Fish       | Machacek     | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rigby        | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wadsworth    |
| Burns       | Freidel    | McKeown      | Sammon       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Santee       | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Schoeneck    | West         |
| Cadin       | Gates      | Merritt      | Scovill      | Wemple       |
| Cahn        | Grady      | Miller       | Shanahan     | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Carrier     | Gray       | Moreland     | Sheldon      | Wiegand      |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wilson       |
| Charles W B | Hammond    | Nugent       | Slocum       | Wolf         |
| Cooke       | Hanford    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hapeman    | O'Neill      | Smith A E    | Wood F X     |
| Cotton      | Hartman    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hastings   | Parker       | Smith J T    | Young        |
| Cowan       | Hooker     | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No.



2348) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State." (Int. No. 1582.)

On motion of Mr. Rogers, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

|             |             |              |              |              |
|-------------|-------------|--------------|--------------|--------------|
| Agnew       | Charles W B | Hammond      | Patton       | Smith R H    |
| Allen F E   | Cooke       | Hanford      | Pendry       | Stanley      |
| Allen J G   | Coon        | Hartman      | Perry        | Steele       |
| Anderson    | Coutant     | Hastings     | Phillips     | Stevens      |
| Apgar       | Cowan       | Hooker       | Plank        | Sullivan     |
| Bass        | Cunningham  | Hornidge     | Platt        | Tenjest      |
| Becker      | Dale        | Hubbs        | Pratt        | Thompson J A |
| Bedell      | Donovan     | Hurd         | Prince       | Thonet       |
| Beebe       | Dowling     | Knapp        | Quinn        | Tompkins     |
| Beihlf      | Etzel       | La Rue       | Reeve        | Waddell      |
| Bird        | Evans       | Lewis        | Reilly       | Wade         |
| Bisland     | Everett     | Machacek     | Rigby        | Wagner       |
| Brady       | Fitzsimons  | Malloy       | Rosenstein   | Wainwright   |
| Brooks      | Foelker     | Matthews C R | Salomon      | West         |
| Burnett     | Foster      | McKeown      | Santee       | Wemple       |
| Burns       | Francisco   | McManus      | Schoeneck    | Whitney G H  |
| Burzynski   | Freidel     | Mead         | Scovill      | Wilsnack     |
| Byrne       | Gardner     | Monroe       | Sheehy       | Wilson       |
| Cadin       | Gates       | Murphy       | Sheldon      | Wolf         |
| Cahn        | Grady       | Newton       | Sherry       | Wood F C     |
| Callahan    | Grattan     | Ogden        | Shuttleworth | Wood F X     |
| Carrier     | Gray        | O'Neill      | Slocum       | Yale         |
| Caughlan    | Gurnett     | Palmer       | Smith A E    | Young        |
| Charles E E | Hackett     | Parker       | Smith J T    |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2349) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims on account of the several counties of this State." (Int. No. 1583.)

On motion of Mr. Rogers, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Patton       | Smith A E    |
| Allen F E   | Cunningham | Hooper       | Pendry       | Smith J E    |
| Allen J G   | Dodd       | Hubbs        | Perry        | Smith J T    |
| Anderson    | Donovan    | Hurd         | Phillips     | Smith R H    |
| Apgar       | Dowling    | Knapp        | Plank        | Stanley      |
| Bass        | Ellis      | La Fetra     | Platt        | Steele       |
| Bedell      | Evans      | La Rue       | Pratt        | Stevens      |
| Beebe       | Everett    | Leggett      | Prentice     | Tenjost      |
| Beihlf      | Fish       | Lewis        | Prince       | Thompson G F |
| Bisland     | Fitzsimons | Machacek     | Quinn        | Thompson J A |
| Brady       | Foster     | Malloy       | Reeve        | Tompkins     |
| Brooks      | Francisco  | Mathews T F  | Reilly       | Waddell      |
| Burnett     | Freidel    | Matthews C R | Rogers       | Wade         |
| Burzynski   | Gardner    | McKeown      | Rosenstein   | Wagner       |
| Byrne       | Gates      | McManus      | Salomon      | Wadsworth    |
| Cadin       | Grady      | Mead         | Sammon       | Wedemeyer    |
| Cahn        | Grattan    | Merritt      | Santee       | West         |
| Callahan    | Gray       | Miller       | Schoeneck    | Wemple       |
| Caughlan    | Gurnett    | Moreland     | Shanahan     | Whitney G H  |
| Charles E E | Hackett    | Murphy       | Sheehy       | Wiegand      |
| Charles W B | Hammond    | Newton       | Sheldon      | Wilsnack     |
| Cadin       | Hanford    | Nugent       | Sherry       | Wilson       |
| Coon        | Hapeman    | O'Neill      | Shuttleworth | Wood F C     |
| Cotton      | Hartman    | Palmer       | Slocum       | Wood F X     |
| Cowan       | Hastings   | Parker       | Smith A P    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2350) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State." (Int. No. 1584.)

On motion of Mr. Rogers, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cotton     | Hanford      | O'Neill    | Smith J E    |
| Allen F E   | Coutant    | Hapeman      | Palmer     | Smith J T    |
| Allen J G   | Cowan      | Hartman      | Parker     | Standart     |
| Anderson    | Cox        | Hastings     | Patton     | Stanley      |
| Apgar       | Cunningham | Hooker       | Pendry     | Steele       |
| Bass        | Dale       | Hooper       | Perry      | Stevens      |
| Becker      | Dodd       | Hornidge     | Phillips   | Sullivan     |
| Bedell      | Donovan    | Hubbs        | Plank      | Thompson G F |
| Beebe       | Dowling    | Hurd         | Platt      | Thompson J A |
| Bird        | Ellis      | Kavanaugh    | Pratt      | Thonet       |
| Bisland     | Etzel      | Knapp        | Prince     | Waddell      |
| Brady       | Evans      | La Rue       | Quinn      | Wade         |
| Brooks      | Everett    | Leggett      | Reeve      | Wagner       |
| Burnett     | Fish       | Machacek     | Reilly     | Wadsworth    |
| Burns       | Foelker    | Maier        | Rogers     | Wedemeyer    |
| Burzynski   | Foster     | Mathews T F  | Rosenstein | West         |
| Byrne       | Francisco  | Matthews C R | Salomon    | Wemple       |
| Cadin       | Freidel    | McKeown      | Santee     | Whitney G H  |
| Cahn        | Fuller     | McManus      | Schoeneck  | Wiegand      |
| Callahan    | Gardner    | Mead         | Scovill    | Wilsnack     |
| Carrier     | Gates      | Miller       | Shanahan   | Wilson       |
| Caughlan    | Grady      | Monroe       | Sheldon    | Wood F C     |
| Charles E E | Gray       | Moreland     | Sherry     | Wood F X     |
| Charles W B | Gurnett    | Newton       | Smith A P  | Yale         |
| Cooke       | Hackett    | Nugent       | Smith A E  | Young        |
| Coon        | Hammond    | Ogden        |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2343) entitled "An act to amend subdivision 1 of section 31 of chapter 615 of the laws of 1894, entitled 'An act to revise the charter of the city of Elmira' as amended by chapter 371 of the Laws of 1895, in relation to the payment of the bonds of said city." (Int. No. 1577.)

On motion of Mr. Moreland, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Patton       | Smith J E    |
| Allen F E   | Cowan      | Hastings     | Pendry       | Smith J T    |
| Allen J G   | Cox        | Hooker       | Perry        | Smith R H    |
| Anderson    | Cunningham | Hooper       | Phillips     | Standart     |
| Apgar       | Dale       | Hornidge     | Plank        | Stanley      |
| Bass        | Donovan    | Hubbs        | Platt        | Steele       |
| Becker      | Dowling    | Kavanaugh    | Pratt        | Stevens      |
| Bedell      | Ellis      | Knapp        | Prentice     | Sullivan     |
| Beebe       | Etzel      | La Fetra     | Prince       | Tenjost      |
| Beihilf     | Evans      | La Rue       | Quinn        | Thompson J A |
| Bird        | Everett    | Lewis        | Reeve        | Thonet       |
| Bisland     | Fish       | Machacek     | Reilly       | Waddell      |
| Brady       | Fitzsimons | Maier        | Rigby        | Wade         |
| Brooks      | Foelker    | Malloy       | Rogers       | Wagner       |
| Burnett     | Foster     | Mathews T F  | Rosenstein   | Wadsworth    |
| Burns       | Francisco  | Matthews C R | Salomon      | Wainwright   |
| Burzynski   | Freidel    | McKeown      | Sammon       | West         |
| Byrne       | Fuller     | Mead         | Santee       | Wemple       |
| Cadin       | Gardner    | Merritt      | Schoeneck    | Whitney F G  |
| Cahn        | Gates      | Miller       | Scovill      | Whitney G H  |
| Callahan    | Grady      | Moreland     | Shanahan     | Wiegand      |
| Carrier     | Grattan    | Murphy       | Sheehy       | Wilson       |
| Caughlan    | Gray       | Nugent       | Sheldon      | Wolf         |
| Charles W B | Gurnett    | Ogden        | Sherry       | Wood F C     |
| Cooke       | Hackett    | O'Neill      | Shuttleworth | Wood F X     |
| Coon        | Hanford    | Palmer       | Slocum       | Yale         |
| Cotton      | Hapeman    | Parker       | Smith A P    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2136) entitled "An act to amend the Highway Law, relative to the removal of snow from highways in towns which have adopted the money system." (Int. No. 1490.)

Said bill having been announced for a second reading,

Mr. G. H. Whitney moved to amend as follows:

Page 2, line 13, after the word "commissioner" insert the words "or commissioners."



Same page, line 24, after the word "commissioner" insert the words "or commissioners."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2331) entitled "An act to amend the Tax Law in relation to taxable transfers of property." (Int. No. 1573.)

On motion of Mr. McKeown, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

|             |            |              |           |              |
|-------------|------------|--------------|-----------|--------------|
| Agnew       | Cotton     | Hartman      | Perry     | Stanley      |
| Allen F E   | Cowan      | Hastings     | Phillips  | Steele       |
| Allen J G   | Cox        | Hooker       | Plank     | Stevens      |
| Anderson    | Cunningham | Hornidge     | Platt     | Sullivan     |
| Apgar       | Dale       | Hurd         | Prentice  | Tenjost      |
| Bass        | Dodd       | Kavanaugh    | Quinn     | Thompson J A |
| Becker      | Dowling    | Knapp        | Reeve     | Thonet       |
| Bedell      | Ellis      | La Rue       | Reilly    | Tompkins     |
| Beebe       | Etzel      | Leggett      | Rigby     | Waddell      |
| Bird        | Evans      | Machacek     | Rogers    | Wade         |
| Bisland     | Fish       | Malloy       | Salomon   | Wagner       |
| Brady       | Fitzsimons | Mathews T F  | Sammon    | Wadsworth    |
| Brooks      | Foelker    | Matthews C R | Santee    | Wedemeyer    |
| Burnett     | Francisco  | McKeown      | Schoeneck | West         |
| Burns       | Freidel    | McManus      | Shanahan  | Wemple       |
| Burzynski   | Fuller     | Merritt      | Sheehy    | Whitney F G  |
| Byrne       | Gardner    | Miller       | Sheldon   | Wiegand      |
| Cadin       | Gates      | Monroe       | Sherry    | Wilsnack     |
| Callahan    | Grady      | Murphy       | Slocum    | Wilson       |
| Carrier     | Gray       | Nugent       | Smith A P | Wolf         |
| Caughlan    | Gurnett    | Ogden        | Smith A E | Wood F C     |
| Charles E E | Hackett    | Palmer       | Smith J E | Wood F X     |
| Charles W B | Hammond    | Parker       | Smith J T | Yale         |
| Coon        | Hanford    | Pendry       | Standart  | Young        |



Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2339) entitled "An act to legalize the acts of Israel Levine, a notary public." (Int. No. 1576.)

On motion of Mr. Burns, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

|             |           |              |            |              |
|-------------|-----------|--------------|------------|--------------|
| Agnew       | Dale      | Hornidge     | Plank      | Standart     |
| Allen J G   | Dodd      | Hubbs        | Platt      | Steele       |
| Anderson    | Donovan   | Hurd         | Prentice   | Stevens      |
| Apgar       | Dowling   | Knapp        | Prince     | Sullivan     |
| Becker      | Etzel     | La Rue       | Quinn      | Tenjost      |
| Bedell      | Evans     | Leggett      | Reeve      | Thompson G F |
| Beebe       | Everett   | Machacek     | Reilly     | Thompson J A |
| Bird        | Fish      | Malloy       | Rigby      | Thonet       |
| Bisland     | Foelker   | Matthews C R | Rogers     | Waddell      |
| Brady       | Francisco | McKeown      | Rosenstein | Wade         |
| Brooks      | Freidel   | McManus      | Salomon    | Wagner       |
| Burnett     | Fuller    | Mead         | Sammon     | Wadsworth    |
| Burns       | Gardner   | Miller       | Santee     | Wainwright   |
| Burzynski   | Gates     | Monroe       | Schoeneck  | Wedemeyer    |
| Cadin       | Grattan   | Murphy       | Shanahan   | Wemple       |
| Cahn        | Gray      | Newton       | Sheehy     | Whitney F G  |
| Carrier     | Grunett   | Nugent       | Sheldon    | Whitney G H  |
| Caughlan    | Hackett   | Ogden        | Sherry     | Wilsnack     |
| Charles W B | Hammond   | Palmer       | Slocum     | Wilson       |
| Cooke       | Hapeman   | Parker       | Smith A P  | Wood F C     |
| Cotton      | Hartman   | Patton       | Smith A E  | Wood F X     |
| Coutant     | Hastings  | Pendry       | Smith J E  | Yale         |
| Cowan       | Hooker    | Perry        | Smith J T  | Young        |
| Cox         | Hooper    | Phillips     | Smith R H  |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2345) entitled "An act to amend chapter 235 of the Laws of

1904, entitled 'An act to validate the record of certain deeds and other instruments affecting the title of real estate,' in relation to the officers taking the acknowledgment or proof." (Int. No. 1579.)

On motion of Mr. Wedemeyer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

|             |            |             |            |              |
|-------------|------------|-------------|------------|--------------|
| Agnew       | Coutant    | Hartman     | Palmer     | Smith A P    |
| Allen F E   | Cowan      | Hastings    | Patton     | Smith A E    |
| Allen J G   | Cox        | Hooker      | Pendry     | Smith J T    |
| Anderson    | Cunningham | Hornidge    | Perry      | Smith R H    |
| Apgar       | Dale       | Hubbs       | Phillips   | Stanley      |
| Bass        | Donovan    | Hurd        | Plank      | Steele       |
| Becker      | Dowling    | Knapp       | Platt      | Sullivan     |
| Bedell      | Ellis      | La Fetra    | Pratt      | Tenjost      |
| Beebe       | Etzel      | La Rue      | Prentice   | Thompson J A |
| Bird        | Everett    | Lewis       | Prince     | Tompkins     |
| Bisland     | Fish       | Maier       | Quinn      | Waddell      |
| Brady       | Foelker    | Malloy      | Reeve      | Wagner       |
| Brooks      | Foster     | Mathews T F | Reilly     | Wadsworth    |
| Burnett     | Francisco  | Mathews C R | Rigby      | Wedemeyer    |
| Burns       | Freidel    | McKeown     | Rogers     | Wemple       |
| Burzynski   | Fuller     | McManus     | Rosenstein | Whitney F G  |
| Byrne       | Gardner    | Mead        | Salomon    | Whitney G H  |
| Cadin       | Grady      | Merritt     | Sammon     | Wiegand      |
| Callahan    | Grattan    | Miller      | Santee     | Wilson       |
| Carrier     | Gray       | Monroe      | Scovill    | Wolf         |
| Caughlan    | Gurnett    | Murphy      | Shanahan   | Wood F C     |
| Charles E E | Hackett    | Newton      | Sheldon    | Wood F X     |
| Charles W B | Hammond    | Nugent      | Sherry     | Yale         |
| Coon        | Hanford    | O'Neill     | Slocum     | Young        |
| Cotton      | Hapeman    |             |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 465, Assembly reprint No. 2261) entitled "An act to amend

the Code of Civil Procedure, relative to the succession to personal property." (Rec. No. 159.)

On motion of Mr. Plank, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 8

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hubbs        | Perry        | Smith R H    |
| Allen F E   | Cowan      | Hurd         | Phillips     | Standart     |
| Allen J G   | Cox        | Kavanaugh    | Plank        | Steele       |
| Anderson    | Cunningham | Knapp        | Platt        | Stevens      |
| Apgar       | Dale       | La Rue       | Pratt        | Sullivan     |
| Bass        | Donovan    | Leggett      | Prentice     | Tenjust      |
| Becker      | Ellis      | Lewis        | Prince       | Thompson G F |
| Bedell      | Etzel      | Machacek     | Quinn        | Thompson J A |
| Beebe       | Evans      | Maier        | Reeve        | Thonet       |
| Beihilf     | Everett    | Malloy       | Reilly       | Waddell      |
| Bird        | Fish       | Mathews T F  | Rigby        | Wade         |
| Bisland     | Fitzsimons | Matthews C R | Rogers       | Wadsworth    |
| Brady       | Foelker    | McKeown      | Rosenstein   | Wainwright   |
| Brooks      | Francisco  | McManus      | Santee       | Wedemeyer    |
| Burnett     | Freidel    | Mead         | Schoeneck    | West         |
| Burns       | Gardner    | Miller       | Scovill      | Whitney F G  |
| Burzynski   | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Byrne       | Gray       | Moreland     | Sheldon      | Wiegand      |
| Cahn        | Gurnett    | Murphy       | Sherry       | Wilsnack     |
| Callahan    | Hackett    | Newton       | Shuttleworth | Wilson       |
| Carrier     | Hammond    | Nugent       | Slocum       | Wolf         |
| Caughlan    | Hapeman    | Ogden        | Smith A P    | Wood F C     |
| Charles E E | Hartman    | O'Neill      | Smith A E    | Wood F X     |
| Charles W B | Hastings   | Parker       | Smith J E    | Yale         |
| Cooke       | Hooker     | Patton       | Smith J T    | Young        |
| Coon        | Hooper     | Pendry       |              |              |

Those who voted in the negative were:

|        |          |         |          |        |
|--------|----------|---------|----------|--------|
| Fuller | La Fetra | Salomon | Tompkins | Wagner |
| Gates  | Palmer   | Sammon  |          |        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1277, Assembly reprint No. 2353) entitled "An act to amend chapter 117 of the Laws of 1883, entitled 'An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof.'" (Rec. No. 430.)

On motion of Mr. Wainwright, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 00

Those who voted in the affirmative were:

|             |           |              |            |              |
|-------------|-----------|--------------|------------|--------------|
| Agnew       | Dale      | Hornidge     | Perry      | Standart     |
| Allen F E   | Dodd      | Hurd         | Phillips   | Stanley      |
| Allen J G   | Dowling   | Kavanaugh    | Platt      | Steele       |
| Anderson    | Ellis     | La Fetra     | Pratt      | Sullivan     |
| Apgar       | Evans     | La Rue       | Prentice   | Tenjost      |
| Becker      | Everett   | Leggett      | Prince     | Thompson G F |
| Bedell      | Fish      | Lewis        | Quinn      | Thompson J A |
| Beebe       | Foelker   | Machacek     | Reeve      | Thonet       |
| Beihilf     | Francisco | Malloy       | Rigby      | Waddell      |
| Bird        | Freidel   | Mathews T F  | Rogers     | Wade         |
| Brady       | Fuller    | Matthews C R | Rosenstein | Wagner       |
| Brooks      | Gardner   | McKeown      | Salomon    | Wadsworth    |
| Burns       | Gates     | McManus      | Santee     | Wainwright   |
| Byrne       | Grady     | Mead         | Schoeneck  | Wedemeyer    |
| Cadin       | Gray      | Miller       | Scovill    | Wemple       |
| Cahn        | Gurnett   | Monroe       | Sheehy     | Whitney F G  |
| Carrier     | Hackett   | Murphy       | Sheldon    | Wiegand      |
| Caughlan    | Hammond   | Newton       | Sherry     | Wilsnack     |
| Charles W B | Hanford   | Ogden        | Slocum     | Wilson       |
| Cooke       | Hapeman   | O'Neill      | Smith A P  | Wolf         |
| Coon        | Hartman   | Parker       | Smith A E  | Wood F X     |
| Coutant     | Hastings  | Patton       | Smith J E  | Yale         |
| Cox         | Hooper    | Pendry       | Smith J T  | Young        |
| Cunningham  |           |              |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the bill (No. 2342) entitled "An act to amend the Greater New York charter, in relation to the rank and to the salaries of surgeons of police." (Int. No. 1446.)

On motion of Mr. Agnew, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 5

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hubbs        | Perry        | Stanley      |
| Allen F E   | Cunningham | Hurd         | Phillips     | Steele       |
| Allen J G   | Dale       | Knapp        | Plank        | Stevens      |
| Anderson    | Dodd       | La Fetra     | Pratt        | Sullivan     |
| Apgar       | Donovan    | Leggett      | Prentice     | Thompson G F |
| Bass        | Ellis      | Lewis        | Prince       | Thompson J A |
| Becker      | Etzel      | Machacek     | Quinn        | Thonet       |
| Bedell      | Evans      | Maier        | Reilly       | Tompkins     |
| Beebe       | Everett    | Malloy       | Rigby        | Wade         |
| Bird        | Fitzsimons | Mathews T F  | Rogers       | Wagner       |
| Bisland     | Foelker    | Matthews C R | Rosenstein   | Wadsworth    |
| Brady       | Foster     | McKeown      | Schoeneck    | Wedemeyer    |
| Burnett     | Francisco  | McManus      | Scovill      | West         |
| Burns       | Freidel    | Merritt      | Shanahan     | Wemple       |
| Burzynski   | Fuller     | Miller       | Sheldon      | Whitney F G  |
| Byrne       | Gardner    | Moreland     | Sherry       | Whitney G H  |
| Cadin       | Grady      | Murphy       | Shuttleworth | Wiegand      |
| Callahan    | Grattan    | Newton       | Slocum       | Wilsnack     |
| Carrier     | Gray       | Nugent       | Smith A P    | Wilson       |
| Caughlan    | Hackett    | Orden        | Smith A E    | Wolf         |
| Charles W B | Hanford    | O'Neill      | Smith J E    | Wood F C     |
| Cooke       | Hartman    | Parker       | Smith J T    | Wood F X     |
| Coon        | Hastings   | Patton       | Smith R H    | Yale         |
| Cotton      | Hooker     | Pendry       | Standart     | Young        |
| Coutant     | Hornidge   |              |              |              |

Those who voted in the negative were:

|      |        |         |        |            |
|------|--------|---------|--------|------------|
| Cahn | Palmer | Salomon | Sammon | Wainwright |
|------|--------|---------|--------|------------|

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.



Mr. Speaker announced the special order, being the Senate bill (No. 1329) entitled "An act to amend the Forest, Fish and Game Law by providing for the appointment of game protectors for Jamaica bay and adjacent waters on Long Island and making an appropriation thereof." (Rec. No. 437.)

On motion of Mr. Reeve, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 2

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coon       | Hartman      | Patton       | Smith R H    |
| Allen F E   | Cotton     | Hastings     | Pendry       | Standart     |
| Allen J G   | Coutant    | Hooker       | Perry        | Stanley      |
| Anderson    | Cowan      | Hooper       | Plank        | Steele       |
| Apgar       | Cox        | Hubbs        | Platt        | Stevens      |
| Becker      | Cunningham | Hurd         | Pratt        | Tenjost      |
| Bedell      | Dale       | Knapp        | Prentice     | Thompson G F |
| Beebe       | Donovan    | La Fetra     | Quinn        | Thompson J A |
| Beihilf     | Dowling    | Leggett      | Reeve        | Tompkins     |
| Bird        | Etzel      | Lewis        | Rigby        | Waddell      |
| Bisland     | Everett    | Machacek     | Rogers       | Wade         |
| Brady       | Fish       | Maier        | Rosenstein   | Wadsworth    |
| Brooks      | Fitzsimons | Malloy       | Salomon      | Wainwright   |
| Burnett     | Foelker    | Mathews T F  | Sammon       | Wedemeyer    |
| Burns       | Freidel    | Matthews C R | Schoeneck    | West         |
| Burzynski   | Francisco  | McKeown      | Scovill      | Wemple       |
| Byrne       | Freidel    | McManus      | Shanahan     | Whitney F G  |
| Cadin       | Gardner    | Merritt      | Sheehy       | Wiegand      |
| Callahan    | Grady      | Monroe       | Sheldon      | Wilsnack     |
| Carrier     | Grattan    | Moreland     | Shuttleworth | Wolf         |
| Caughlan    | Gray       | Newton       | Slocum       | Wood F C     |
| Charles E E | Hackett    | Nugent       | Smith A P    | Wood F X     |
| Charles W B | Hammond    | Ogden        | Smith A E    | Yale         |
| Cooke       | Hanford    | Parker       | Smith J E    | Young        |

Those who voted in the negative were:

Fuller Palmer

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Burnett moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooper       | Perry        | Stanley      |
| Allen F E   | Cunningham | Hubbs        | Phillips     | Steele       |
| Allen J G   | Dale       | Hurd         | Plank        | Stevens      |
| Anderson    | Donovan    | Kavanaugh    | Pratt        | Sullivan     |
| Apgar       | Dowling    | Knapp        | Prentice     | Tenjest      |
| Bass        | Ellis      | La Fetra     | Prince       | Thompson G F |
| Becker      | Etzel      | La Rue       | Reeve        | Thompson J A |
| Bedell      | Evans      | Leggett      | Reilly       | Thonet       |
| Beebe       | Fish       | Lewis        | Rigby        | Tompkins     |
| Beihliff    | Fitzsimons | Malloy       | Rogers       | Waddell      |
| Bird        | Foelker    | Mathews T F  | Rosenstein   | Wade         |
| Bisland     | Foster     | Matthews C R | Salomon      | Wagner       |
| Brooks      | Francisco  | McManus      | Sammon       | Wadsworth    |
| Burnett     | Freidel    | Mead         | Santee       | Wainwright   |
| Burns       | Fuller     | Merritt      | Schoeneck    | Wedemeyer    |
| Burzynski   | Gardner    | Miller       | Scovill      | West         |
| Cadin       | Gates      | Monroe       | Shanahan     | Wemple       |
| Cahn        | Grady      | Moreland     | Sheldon      | Whitney F G  |
| Callahan    | Gray       | Murphy       | Sherry       | Whitney G H  |
| Carrier     | Gurnett    | Newton       | Shuttleworth | Wiegand      |
| Caughlan    | Hackett    | Nugent       | Slocum       | Wilsnack     |
| Charles E E | Hammond    | Ogden        | Smith A P    | Wilson       |
| Charles W B | Hanford    | O'Neill      | Smith A E    | Wolf         |
| Cooke       | Hapeman    | Palmer       | Smith J E    | Wood F C     |
| Coon        | Hartman    | Parker       | Smith J T    | Wood F X     |
| Cotton      | Hastings   | Patton       | Smith R H    | Yale         |
| Coutant     | Hooker     | Pendry       | Standart     | Young 135    |

Mr. Burnett moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1487) entitled "An act to amend sections 150, 156, 169 and 170 of the Railroad Law relative to the Board of Railroad Commissioners." (Rec. No. 468.)

On motion of Mr. Santee, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 95

NOES 39

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooper       | Perry        | Steele       |
| Allen J G   | Cunningham | Hubbs        | Phillips     | Tenjost      |
| Apgar       | Dowling    | Hurd         | Plank        | Thompson G F |
| Bass        | Etzel      | Knapp        | Platt        | Thonet       |
| Becker      | Evans      | La Rue       | Pratt        | Waddell      |
| Bedell      | Fish       | Leggett      | Prentice     | Wade         |
| Beebe       | Foelker    | Lewis        | Reeve        | Wadsworth    |
| Beihlf      | Foster     | Maier        | Rigby        | Wainwright   |
| Bisland     | Francisco  | Matthews C R | Santee       | West         |
| Brooks      | Freidel    | Merritt      | Schoeneck    | Wemple       |
| Burnett     | Gardner    | Miller       | Scovill      | Whitney F G  |
| Cadin       | Gates      | Monroe       | Sheldon      | Whitney G H  |
| Callahan    | Gray       | Murphy       | Shuttleworth | Wilsnack     |
| Carrier     | Gurnett    | Newton       | Slocum       | Wilson       |
| Charles E E | Hammond    | Ogden        | Smith A P    | Wood F C     |
| Charles W B | Hapeman    | O'Neill      | Smith J E    | Wood F X     |
| Coon        | Hartman    | Parker       | Smith J T    | Yale         |
| Cotton      | Hastings   | Patton       | Standart     | Young        |
| Coutant     | Hooker     | Pendry       | Stanley      | Speaker      |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Allen F E | Ellis      | La Fetra    | Rogers     | Stevens      |
| Bird      | Everett    | Malloy      | Rosenstein | Sullivan     |
| Burns     | Fitzsimons | Mathews T F | Salomon    | Thompson J A |
| Byrne     | Fuller     | Mead        | Sammon     | Tompkins     |
| Cahn      | Grady      | Nugent      | Shanahan   | Wagner       |
| Cooke     | Hackett    | Palmer      | Sheehy     | Wedemeyer    |
| Dale      | Hanford    | Prince      | Sherry     | Wiegand      |
| Donovan   | Kavanaugh  | Reilly      | Smith A E  |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 158) entitled "An act for the promotion of agriculture and making an appropriation therefor." (Rec. No. 298.)

On motion of Mr. Coon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hanford      | Parker       | Smith A F    |
| Allen F E   | Cowan      | Hartman      | Patton       | Smith J E    |
| Allen J G   | Cox        | Hastings     | Pendry       | Smith R H    |
| Anderson    | Cunningham | Hooper       | Perry        | Standart     |
| Apgar       | Dale       | Hornidge     | Phillips     | Steele       |
| Bass        | Dodd       | Hurd         | Platt        | Stevens      |
| Becker      | Donovan    | Kavanaugh    | Pratt        | Thompson G F |
| Bedell      | Dowling    | Knapp        | Prentice     | Thompson J A |
| Beebe       | Ellis      | La Petra     | Prince       | Thonet       |
| Beihlf      | Etsel      | Leggett      | Quinn        | Waddell      |
| Bird        | Evans      | Lewis        | Reeve        | Wade         |
| Bisland     | Everett    | Machacek     | Reilly       | Wagner       |
| Brady       | Fish       | Malloy       | Rogers       | Wadsworth    |
| Burnett     | Fitzsimons | Mathews T F  | Rosenstein   | Wainwright   |
| Burns       | Foelker    | Matthews C R | Salomon      | West         |
| Burzynski   | Foster     | McKeown      | Santee       | Wemple       |
| Byrne       | Freidel    | McManus      | Schoeneck    | Whitney G H  |
| Cadin       | Fuller     | Merritt      | Scovill      | Wiegand      |
| Callahan    | Gardner    | Miller       | Shanahan     | Wilsnack     |
| Carrier     | Gates      | Monroe       | Sheehy       | Wolf         |
| Caughlan    | Grady      | Murphy       | Sherry       | Wood F C     |
| Charles E E | Gray       | Newton       | Shuttleworth | Wood F X     |
| Cooke       | Gurnett    | Ogden        | Slocum       | Yale         |
| Coon        | Hackett    | O'Neill      | Smith A P    | Young        |
| Cotton      |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 963) entitled "An act to amend an act entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals, being chapter 580 of the Laws of 1902' to authorize the formation of an appellate term in the second judicial department, to appoint clerks and attendants, and to provide for the expenses thereof." (Rec. No. 258.)

On motion of Mr. Agnew, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 92

NOES 26

Those who voted in the affirmative were:

|             |          |              |              |              |
|-------------|----------|--------------|--------------|--------------|
| Agnew       | Coutant  | Hurd         | Pendry       | Standart     |
| Allen F E   | Cowan    | Knapp        | Perry        | Stanley      |
| Allen J G   | Dowling  | La Rue       | Phillips     | Steele       |
| Apgar       | Etzel    | Leggett      | Plank        | Stevens      |
| Bass        | Evans    | Lewis        | Pratt        | Tenjust      |
| Becker      | Foelker  | Maier        | Prentice     | Thompson G F |
| Bedell      | Foster   | Matthews C R | Reeve        | Thonet       |
| Beebe       | Freidel  | Mead         | Rigby        | Waddell      |
| Beihlf      | Gardner  | Merritt      | Rogers       | Wade         |
| Bisland     | Gates    | Miller       | Santee       | Wadsworth    |
| Brady       | Gray     | Monroe       | Schoeneck    | Whitney F G  |
| Brooks      | Hammond  | Moreland     | Scovill      | Whitney G H  |
| Burnett     | Hanford  | Murphy       | Sheldon      | Wilsnack     |
| Cadin       | Hapeman  | Newton       | Shuttleworth | Wilson       |
| Callahan    | Hartman  | Ogden        | Slocum       | Wood F C     |
| Carrier     | Hastings | O'Neill      | Smith A P    | Wood F X     |
| Charles W B | Hooker   | Parker       | Smith J E    | Yale         |
| Coon        | Hooper   | Patton       | Smith J T    | Young        |
| Cotton      | Hubbs    |              |              |              |

Those who voted in the negative were:

|            |         |             |            |              |
|------------|---------|-------------|------------|--------------|
| Anderson   | Donovan | Kavanaugh   | Rosenstein | Smith A E    |
| Bird       | Ellis   | La Fetra    | Salomon    | Thompson J A |
| Cahn       | Fuller  | Mathews T F | Shanahan   | Wagner       |
| Caughlan   | Grady   | McManus     | Sheehy     | Wainwright   |
| Cooke      | Hackett | Palmer      | Sherry     | Wolf         |
| Cunningham |         |             |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1457) entitled "An act to amend the Insurance Law, in relation to expense and management of life or casualty insurance corporations upon the cooperative or assessment plan." (Rec. No. 467.)

On motion of Mr. Lewis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed



and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooper       | Perry        | Smith R H    |
| Allen F E   | Cowan      | Hornidge     | Phillips     | Standart     |
| Allen J G   | Cunningham | Hubbs        | Plank        | Stanley      |
| Anderson    | Dale       | Hurd         | Platt        | Steele       |
| Apgar       | Dodd       | Kavanaugh    | Pratt        | Stevens      |
| Bass        | Donovan    | Knapp        | Prentice     | Sullivan     |
| Becker      | Ellis      | La Rue       | Quinn        | Thompson G F |
| Bedell      | Etzel      | Leggett      | Reeve        | Thompson J A |
| Beebe       | Everett    | Lewis        | Rigby        | Thonet       |
| Beihlf      | Fish       | Machacek     | Rogers       | Tompkins     |
| Bird        | Fitzsimons | Maier        | Rosenstein   | Wade         |
| Bisland     | Foelker    | Malloy       | Sammon       | Wagner       |
| Brady       | Foster     | Mathews T F  | Santee       | Wadsworth    |
| Brooks      | Freidel    | Matthews C R | Schoeneck    | Wedemeyer    |
| Burns       | Fuller     | McKeown      | Scovill      | West         |
| Burnett     | Gardner    | McManus      | Shanahan     | Whitney F G  |
| Byrne       | Gates      | Mead         | Sheehy       | Wiegand      |
| Cadin       | Grady      | Miller       | Sheldon      | Wilsnack     |
| Cahn        | Gray       | Monroe       | Sherry       | Wilson       |
| Callahan    | Gurnett    | Murphy       | Shuttleworth | Wolf         |
| Caughlan    | Hammond    | Newton       | Slocum       | Wood F C     |
| Charles E E | Hanford    | Ogden        | Smith A P    | Wood F X     |
| Charles W B | Hapeman    | Palmer       | Smith J E    | Yale         |
| Cooke       | Hartman    | Parker       | Smith J T    | Young        |
| Cotton      | Hooker     | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1306) entitled "An act to amend the Code of Civil Procedure in relation to accounts." (Rec. No. 466.)

On motion of Mr. Platt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Donovan    | Kavanaugh    | Platt        | Standart     |
| Allen F E   | Dowling    | Knapp        | Pratt        | Stanley      |
| Allen J G   | Etzel      | La Fetra     | Prentice     | Steele       |
| Apgar       | Everett    | La Rue       | Quinn        | Stevens      |
| Bass        | Fitzsimons | Leggett      | Reeve        | Tenjost      |
| Becker      | Foelker    | Lewis        | Reilly       | Thompson G F |
| Beebe       | Foster     | Machacek     | Rigby        | Thompson J A |
| Beihlf      | Freidel    | Malloy       | Rogers       | Thonet       |
| Bird        | Fuller     | Mathews T F  | Rosenstein   | Tompkins     |
| Brady       | Gardner    | Matthews C R | Salomon      | Waddell      |
| Brooks      | Gates      | McKeown      | Sammon       | Wade         |
| Burnett     | Grady      | McManus      | Santee       | Wadsworth    |
| Burzynski   | Grattan    | Merritt      | Schoeneck    | Wainwright   |
| Byrne       | Gray       | Miller       | Scovill      | Wedemeyer    |
| Cadin       | Gurnett    | Moreland     | Shanahan     | West         |
| Cahn        | Hackett    | Murphy       | Sheehy       | Whitney F G  |
| Carrier     | Hammond    | Nugent       | Sheldon      | Whitney G H  |
| Caughlan    | Hanford    | Ogden        | Sherry       | Wiegand      |
| Charles W B | Hapeman    | O'Neill      | Shuttleworth | Wilsnack     |
| Coon        | Hastings   | Parker       | Slocum       | Wilson       |
| Cotton      | Hooker     | Patton       | Smith A P    | Wolf         |
| Cowan       | Hooper     | Pendry       | Smith J E    | Wood F C     |
| Cox         | Hornidge   | Perry        | Smith J T    | Yale         |
| Dale        | Hubbs      | Phillips     | Smith R H    | Young        |
| Dodd        | Hurd       | Plank        |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1471) entitled "An act to revise and consolidate the charter of the village of Ossining, and to extend the boundaries of said village." (Rec. No. 469.)

On motion of Mr. Apgar, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 5

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hubbs        | Phillips     | Standart     |
| Allen F E   | Dodd       | Hurd         | Plank        | Stanley      |
| Allen J G   | Donovan    | Kavanaugh    | Platt        | Steele       |
| Anderson    | Dowling    | Knapp        | Pratt        | Stevens      |
| Apgar       | Ellis      | La Rue       | Prentice     | Sullivan     |
| Bass        | Etzel      | Leggett      | Quinn        | Tenjost      |
| Becker      | Everett    | Lewis        | Reeve        | Thompson G F |
| Bedell      | Fish       | Machacek     | Reilly       | Thompson J A |
| Beebe       | Fitzsimons | Maier        | Rigby        | Tompkins     |
| Beihlf      | Foelker    | Malloy       | Rogers       | Waddell      |
| Bisland     | Foster     | Mathews T F  | Rosenstein   | Wade         |
| Brady       | Francisco  | Matthews C R | Salomon      | Wagner       |
| Brooks      | Fuller     | McKeown      | Sammon       | Wainwright   |
| Burnett     | Gardner    | McManus      | Santee       | Wedemeyer    |
| Burns       | Gates      | Mead         | Schoeneck    | West         |
| Burzynski   | Grady      | Merritt      | Scovill      | Wemple       |
| Byrne       | Grattan    | Monroe       | Shanahan     | Whitney F G  |
| Cadin       | Gray       | Moreland     | Sheehy       | Whitney G H  |
| Callahan    | Gurnett    | Murphy       | Sherry       | Wiegand      |
| Caughlan    | Hackett    | Nugent       | Shuttleworth | Wilsnack     |
| Charles E E | Hanford    | Ogden        | Slocum       | Wilson       |
| Charles W B | Hapeman    | O'Neill      | Smith A P    | Wolf         |
| Coon        | Hartman    | Parker       | Smith A E    | Wood F C     |
| Coutant     | Hooker     | Patton       | Smith J E    | Wood F X     |
| Cowan       | Hooper     | Pendry       | Smith J T    | Yale         |
| Cox         | Hornidge   | Perry        | Smith R H    | Young        |

Those who voted in the negative were:

|      |        |          |        |        |
|------|--------|----------|--------|--------|
| Cahn | Cotton | La Petra | Palmer | Prince |
|------|--------|----------|--------|--------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1482) entitled "An act making an appropriation for the quarantine stations at Hoffman and Swinburne Islands." (Rec. No. 472.)

On motion of Mr. Stanley, said bill was read the second time and ordered to a third reading.

Said bill was then read the second time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Dale       | Hornidge     | Parker       | Thompson J T |
| Allen F E   | Dodd       | Hubbs        | Pendry       | Standart     |
| Allen J G   | Donovan    | Hurd         | Perry        | Stanley      |
| Apgar       | Ellis      | Kavanaugh    | Phillips     | Steele       |
| Bass        | Etzel      | Knapp        | Plank        | Sullivan     |
| Bedell      | Evans      | La Fetra     | Platt        | Tenjost      |
| Beebe       | Everett    | La Rue       | Pratt        | Thompson G F |
| Beihlf      | Fitzsimons | Leggett      | Prince       | Thonet       |
| Bisland     | Foelker    | Lewis        | Quinn        | Tompkins     |
| Brady       | Foster     | Maier        | Reeve        | Wade         |
| Brooks      | Francisco  | Malloy       | Rigby        | Wagner       |
| Burnett     | Freidel    | Mathews T F  | Rogers       | Wainwright   |
| Burns       | Fuller     | Matthews C R | Rosenstein   | West         |
| Burzynski   | Gardner    | McKeown      | Salomon      | Wemple       |
| Cadin       | Gates      | McManus      | Sammon       | Whitney F G  |
| Cahn        | Grattan    | Mead         | Santee       | Whitney G H  |
| Callahan    | Gray       | Merritt      | Scovill      | Wiegand      |
| Caughlan    | Hackett    | Miller       | Shanahan     | Wilsnack     |
| Charles E E | Hammond    | Moreland     | Sheehy       | Wilson       |
| Cooke       | Hanford    | Murphy       | Sheldon      | Wood F C     |
| Coon        | Hartman    | Newton       | Sherry       | Wood F X     |
| Cotton      | Hastings   | Ogden        | Slocum       | Yale         |
| Cowan       | Hooker     | O'Neill      | Smith A E    | Young        |
| Cunningham  | Hooper     | Palmer       | Thompson J E |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1097) entitled "An act to amend section 25 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws,' relative to condensed milk." (Rec. No. 345.)

On motion of Mr. Scovill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree

to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 97

NOES 16

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hastings     | Ogden        | Smith J T    |
| Allen F E   | Coutant    | Hooker       | O'Neill      | Smith R H    |
| Anderson    | Cowan      | Hooper       | Parker       | Standart     |
| Apgar       | Cunningham | Hubbs        | Patton       | Stanley      |
| Becker      | Dale       | Hurd         | Perry        | Steele       |
| Bedell      | Dowling    | Knapp        | Plank        | Stevens      |
| Beebe       | Ellis      | La Fetra     | Pratt        | Tenjost      |
| Beihlf      | Etzel      | La Rue       | Prentice     | Thompson G F |
| Brady       | Fish       | Leggett      | Reeve        | Thompson J A |
| Brooks      | Foelker    | Maier        | Reilly       | Thonet       |
| Burnett     | Foster     | Mathews T F  | Rigby        | Waddell      |
| Burns       | Francisco  | Matthews C R | Salomon      | Wade         |
| Burzynski   | Freidel    | McManus      | Santee       | Wagner       |
| Byrne       | Gardner    | Mead         | Schoeneck    | Wainwright   |
| Cadin       | Gates      | Miller       | Scovill      | Wilsnack     |
| Callahan    | Gray       | Moreland     | Shuttleworth | Wolf         |
| Carrier     | Hammond    | Murphy       | Sherry       | Wood F C     |
| Charles E E | Hanford    | Newton       | Smith A E    | Wood F X     |
| Charles W B | Hapeman    | Nugent       | Smith J E    | Yale         |
| Coon        | Hartman    |              |              |              |

Those who voted in the negative were:

|           |         |            |          |             |
|-----------|---------|------------|----------|-------------|
| Cooke     | Lewis   | Rogers     | Shanahan | Wadsworth   |
| Evans     | Malloy  | Rosenstein | Sheldon  | West        |
| Gurnett   | Merritt | Sammon     | Tompkins | Whitney G H |
| Kavanaugh |         |            |          |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2340) entitled "An act to provide a purchasing agent for the county of Schenectady, and regulating the management of said office." (Int. No. 964.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 120

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hartman      | O'Neill      | Slocum       |
| Allen F E   | Cunningham | Hastings     | Palmer       | Smith A E    |
| Allen J G   | Dale       | Hooker       | Parker       | Smith J T    |
| Anderson    | Dodd       | Hooper       | Patton       | Smith R H    |
| Apgar       | Donovan    | Hornidge     | Pendry       | Standart     |
| Becker      | Dowling    | Hubbs        | Perry        | Steele       |
| Bedell      | Etzel      | Hurd         | Phillips     | Sullivan     |
| Beihlf      | Evans      | Kavanaugh    | Plank        | Tenjest      |
| Bird        | Everett    | Knapp        | Platt        | Thompson G F |
| Bisland     | Fish       | La Fetra     | Pratt        | Thompson J A |
| Brooks      | Fitzsimons | La Rue       | Prentice     | Tompkins     |
| Burnett     | Foelker    | Lewis        | Quinn        | Wade         |
| Burzynski   | Foster     | Machacek     | Reeve        | Wagner       |
| Byrne       | Francisco  | Maier        | Reilly       | Wainwright   |
| Cadin       | Freidel    | Malloy       | Rogers       | Wedemeyer    |
| Cahn        | Fuller     | Matthews C R | Rosenstein   | West         |
| Callahan    | Gates      | McKeown      | Salomon      | Whitney F G  |
| Caughlan    | Grady      | McManus      | Sammon       | Whitney G H  |
| Charles W B | Grattan    | Mead         | Schoeneck    | Wilsnack     |
| Cooke       | Gray       | Monroe       | Scovill      | Wilson       |
| Coon        | Gurnett    | Moreland     | Sheehy       | Wood F C     |
| Cotton      | Hammond    | Murphy       | Sheldon      | Wood F X     |
| Coutant     | Hanford    | Newton       | Sherry       | Yale         |
| Cowan       | Hapeman    | Ogden        | Shuttleworth | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2341) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits." (Int. No. 476.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|           |            |          |        |           |
|-----------|------------|----------|--------|-----------|
| Agnew     | Cowan      | Hooker   | Parker | Smith J T |
| Allen F E | Cox        | Hooper   | Patton | Smith R H |
| Allen J G | Cunningham | Hornidge | Pendry | Standart  |
| Anderson  | Dale       | Hubbs    | Perry  | Stanley   |

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Apgar       | Dodd      | Hurd         | Phillips     | Steele       |
| Bass        | Donovan   | Kavanaugh    | Platt        | Sullivan     |
| Becker      | Ellis     | La Fetra     | Pratt        | Tenjust      |
| Bedell      | Etzel     | La Rue       | Prince       | Thompson G F |
| Beihliff    | Evans     | Leggett      | Quinn        | Thompson J A |
| Bird        | Everett   | Lewis        | Reeve        | Tompkins     |
| Bisland     | Fish      | Machacek     | Reilly       | Waddell      |
| Brady       | Foelker   | Maier        | Rigby        | Wade         |
| Brooks      | Foster    | Malloy       | Rogers       | Wagner       |
| Burns       | Francisco | Mathews T F  | Rosenstein   | Wadsworth    |
| Burzynski   | Freidel   | Matthews C R | Salomon      | Wainwright   |
| Byrne       | Fuller    | McKeown      | Santee       | West         |
| Cadin       | Gates     | McManus      | Schoeneck    | Wemple       |
| Cahn        | Grady     | Merritt      | Scovill      | Whitney F G  |
| Callahan    | Grattan   | Miller       | Shanahan     | Whitney G H  |
| Carrier     | Gray      | Monroe       | Sheehy       | Wiegand      |
| Caughlan    | Gurnett   | Murphy       | Sheldon      | Wilsnack     |
| Charles E E | Hackett   | Newton       | Sherry       | Wolf         |
| Charles W B | Hammond   | Nugent       | Shuttleworth | Wood F C     |
| Cooke       | Hapeman   | Ogden        | Slocum       | Wood F X     |
| Coon        | Hartman   | O'Neill      | Smith A P    | Yale         |
| Cotton      | Hastings  | Palmer       | Smith A E    | Young        |
| Coutant     |           |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2338) entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments." (Int. No. 502.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |          |
|-----------|------------|-----------|----------|----------|
| Agnew     | Coutant    | Hooker    | Pendry   | Standart |
| Allen F E | Cowan      | Hooper    | Perry    | Stanley  |
| Allen J G | Cunningham | Hubbs     | Phillips | Steele   |
| Anderson  | Dale       | Hurd      | Plank    | Stevens  |
| Apgar     | Dodd       | Kavanaugh | Platt    | Sullivan |

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Bass        | Donovan   | Knapp        | Pratt        | Tenjust      |
| Becker      | Dowling   | La Fetra     | Prentice     | Thompson J A |
| Bedell      | Etzel     | Leggett      | Prince       | Thonet       |
| Beebe       | Evans     | Lewis        | Quinn        | Tompkins     |
| Beihlf      | Everett   | Machacek     | Reilly       | Waddell      |
| Bird        | Fish      | Maier        | Rigby        | Wade         |
| Bisland     | Foelker   | Malloy       | Rogers       | Wagner       |
| Brady       | Foster    | Mathews T F  | Rosenstein   | Wadsworth    |
| Brooks      | Francisco | Matthews C R | Salomon      | Wainwright   |
| Burns       | Freidel   | McKeown      | Santee       | Wedemeyer    |
| Burzynski   | Fuller    | McManus      | Schoeneck    | West         |
| Byrne       | Gates     | Merritt      | Scovill      | Wemple       |
| Cadin       | Grady     | Miller       | Shanahan     | Whitney F G  |
| Cahn        | Gray      | Moreland     | Sheldon      | Wiegand      |
| Callahan    | Gurnett   | Murphy       | Sherry       | Wilsnack     |
| Carrier     | Hackett   | Nugent       | Shuttleworth | Wilson       |
| Caughlan    | Hammond   | Ogden        | Slocum       | Wolf         |
| Charles W B | Hanford   | O'Neill      | Smith A P    | Wood F C     |
| Cooke       | Hapeman   | Palmer       | Smith J E    | Wood F X     |
| Coon        | Hartman   | Parker       | Smith J T    | Yale         |
| Cotton      | Hastings  | Patton       | Smith R H    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same, and request the concurrence of the Senate therein.

The Senate returned the Assembly bill (No. 490, Senate reprint No. 1292) entitled "An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve" (Int. No. 460), with a message that they have concurred in the passage of the same with the following amendment:

Page 3, line 13, at end of line strike out the period and insert a comma and the words "nor as affecting disputed titles to land excepting parcels not exceeding two hundred acres and to cases arising from tax sales and double assessments of such parcels."

Mr. F. C. Wood moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Dale       | Hurd         | Phillips     | Stanley      |
| Allen F E   | Donovan    | Kavanaugh    | Plank        | Steele       |
| Allen J G   | Dowling    | Knapp        | Platt        | Stevens      |
| Anderson    | Ellis      | La Fetra     | Pratt        | Sullivan     |
| Apgar       | Etzel      | La Rue       | Prentice     | Tenjost      |
| Bass        | Evans      | Leggett      | Prince       | Thompson G F |
| Becker      | Fish       | Lewis        | Quinn        | Thompson J A |
| Bedell      | Fitzsimons | Machacek     | Reilly       | Thonet       |
| Beebe       | Foelker    | Maier        | Rigby        | Tompkins     |
| Beihliff    | Foster     | Malloy       | Rogers       | Waddell      |
| Bird        | Freidel    | Mathews T F  | Rosenstein   | Wade         |
| Bisland     | Fuller     | Matthews C R | Salomon      | Wagner       |
| Brady       | Gardner    | McKeown      | Sammon       | Wadsworth    |
| Burnett     | Gates      | McManus      | Santee       | Wainwright   |
| Burns       | Grady      | Merritt      | Schoeneck    | Wedemeyer    |
| Burzynski   | Gray       | Miller       | Scovill      | West         |
| Byrne       | Gurnett    | Monroe       | Shanahan     | Wemple       |
| Cadin       | Hackett    | Moreland     | Sheehy       | Whitney F G  |
| Callahan    | Hammond    | Newton       | Sheldon      | Whitney G H  |
| Carrier     | Hanford    | Nugent       | Shuttleworth | Wilsnack     |
| Charles E E | Hapeman    | Ogden        | Slocum       | Wilson       |
| Charles W B | Hartman    | O'Neill      | Smith A P    | Wolf         |
| Cooke       | Hastings   | Palmer       | Smith A E    | Wood F C     |
| Coon        | Hooker     | Parker       | Smith J E    | Wood F X     |
| Cotton      | Hooper     | Patton       | Smith J T    | Yale         |
| Cowan       | Hornidge   | Pendry       | Smith R H    | Young        |
| Cunningham  | Hubbs      | Perry        | Standart     |              |

Ordered, That the Clerk return said bill to Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 1183, Senate reprint No. 1399) entitled "An act to amend the Code of Civil Procedure, in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties" (Int. No. 397), with a message that they have concurred in the passage of the same with the following amendments:

Page 2, line 19, after the word "in" strike out the word "such" and insert the word "the."

Same page, line 19, strike out the words "wholly contain-" and insert the words "of Onondaga."

Same page, line 20, strike out all of line up to and including the comma after the word "class."

Page 3, strike out lines 7 to 12, inclusive, and insert the words "from the estate or matter in which such services are rendered."

Mr. Bisland moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hanford      | Pendry       | Smith A E    |
| Allen F E   | Cowan      | Hapeman      | Perry        | Smith J E    |
| Allen J G   | Cox        | Hastings     | Phillips     | Smith J T    |
| Anderson    | Cunningham | Hooker       | Plank        | Smith R H    |
| Apgar       | Dale       | Hooper       | Platt        | Standart     |
| Bass        | Dodd       | Hornidge     | Pratt        | Stanley      |
| Becker      | Donovan    | Hurd         | Prentice     | Stevens      |
| Bedell      | Dowling    | Kavanaugh    | Prince       | Sullivan     |
| Beebe       | Ellis      | Knapp        | Quinn        | Tenjost      |
| Beihliff    | Etzel      | La Rue       | Reeve        | Thompson J A |
| Bird        | Evans      | Leggett      | Reilly       | Thonet       |
| Brady       | Everett    | Machacek     | Rigby        | Tompkins     |
| Brooks      | Fish       | Maier        | Rogers       | Waddell      |
| Burnett     | Fitzsimons | Malloy       | Rosenstein   | Wagner       |
| Burns       | Foelker    | Mathews T F  | Salomon      | Wadsworth    |
| Burzynski   | Foster     | Matthews C R | Sammon       | Wedemeyer    |
| Byrne       | Francisco  | McKeown      | Santee       | West         |
| Cadin       | Freidel    | McManus      | Schoeneck    | Whitney F G  |
| Cahn        | Fuller     | Merritt      | Scovill      | Whitney G H  |
| Callahan    | Gardner    | Monroe       | Shanahan     | Wiegand      |
| Carrier     | Gates      | Moreland     | Sheldon      | Wilson       |
| Caughlan    | Grady      | Newton       | Sherry       | Wolf         |
| Charles W B | Grattan    | Ogden        | Shuttleworth | Wood F X     |
| Cooke       | Gray       | Palmer       | Slocum       | Yale         |
| Coon        | Gurnett    | Parker       | Smith A P    | Young        |
| Cotton      | Hammond    | Patton       |              |              |

Ordered, That the Clerk return said bill to Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2059, Senate re-print No. 1426) entitled "An act to release to Francis Neher all the right, title and interest of the people of the State of New York in and to certain real estate situated in the Twenty-second ward of the city and county and State of New York, acquired by escheat, upon the death of Elizabeth Mattson " (Int. No. 1302),



with a message that they have concurred in the passage of the same with the following amendments:

Page 1, line 2, strike out the words "or otherwise."

Page 2, line 9, strike out the word "Fiftieth" and insert the word "fifty-fifth."

Same page, line 17, strike out the period and insert a comma and the words "nor affect any action or proceeding now pending."

Amend the title to read as follows:

"An act to release to Francis Neher all the right, title and interest of the people of the state of New York in and to certain real estate situated in the twenty-second ward of the city and county and state of New York, acquired by escheat, upon the death of Elizabeth Mattson."

Mr. McManus moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

|           |            |              |              |              |
|-----------|------------|--------------|--------------|--------------|
| Agnew     | Coon       | Hornidge     | Perry        | Stanley      |
| Allen F E | Cunningham | Hubbs        | Phillips     | Steele       |
| Allen J G | Dale       | Hurd         | Plank        | Stevens      |
| Anderson  | Dodd       | Kavanaugh    | Platt        | Sullivan     |
| Bass      | Donovan    | Knapp        | Pratt        | Tenjost      |
| Becker    | Dowling    | La Fetra     | Prentice     | Thompson G F |
| Bedell    | Etzel      | La Rue       | Prince       | Thompson J A |
| Beebe     | Evans      | Leggett      | Quinn        | Thonet       |
| Beihilf   | Everett    | Lewis        | Reeve        | Tompkins     |
| Bird      | Fitzsimons | Machacek     | Rigby        | Waddell      |
| Bisland   | Foelker    | Maier        | Rogers       | Wade         |
| Brady     | Foster     | Malloy       | Rosenstein   | Wagner       |
| Brooks    | Francisco  | Mathews T F  | Salomon      | Wadsworth    |
| Burnett   | Freidel    | Matthews C R | Sammon       | Wainwright   |
| Burns     | Fuller     | McKeown      | Santee       | Wedemeyer    |
| Byrne     | Gates      | McManus      | Schoeneck    | West         |
| Cadin     | Grady      | Miller       | Shanahan     | Wemple       |
| Cahn      | Grattan    | Monroe       | Sheehy       | Whitney F G  |
| Callahan  | Gray       | Moreland     | Sheldon      | Whitney G H  |
| Carrier   | Gurnett    | Newton       | Shuttleworth | Wilsnack     |
| Caughlan  | Hackett    | Nugent       | Slocum       | Wilson       |

|             |          |         |           |          |
|-------------|----------|---------|-----------|----------|
| Charles W B | Hammond  | Ogden   | Smith A P | Wolf     |
| Cooke       | Hanford  | O'Neill | Smith A E | Wood F C |
| Coon        | Hapeman  | Palmer  | Smith J E | Wood F X |
| Cotton      | Hartman  | Parker  | Smith R H | Yale     |
| Coutant     | Hastings | Patton  | Standart  | Young    |
| Cowan       | Hooper   | Pendry  |           |          |

Ordered, That the Clerk return said bill to Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Assembly returned the Assembly bill (No. 2080, Senate re-print No. 1497) entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects" (Int. No. 26), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 3, after the period insert the words "No member of said board shall be removed except for incompetency or misconduct, shown after a hearing upon due notice, upon stated charges."

Page 19, line 25, strike out the words "one year" and insert the words "three years."

Page 38, line 15, insert the following:

"§ 46. The city of New York shall have no power to acquire, take or condemn lands under this act unless maps and plans covering the entire work contemplated by this act shall have been submitted to and approved by the state water supply commission."

Renumber "§ 46" as "§ 47."

Mr. Tompkins moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Pendry       | Standart     |
| Allen F E   | Cox        | Hastings     | Perry        | Sheehy       |
| Allen J G   | Cunningham | Hooker       | Phillips     | Steele       |
| Anderson    | Dale       | Hornidge     | Plank        | Sullivan     |
| Apgar       | Dodd       | Hubbs        | Platt        | Tenjost      |
| Bass        | Dowling    | Kavanaugh    | Prentice     | Thompson G F |
| Becker      | Ellis      | Knapp        | Prince       | Thompson J A |
| Bedell      | Etzel      | La Fetra     | Quinn        | Thonet       |
| Beebe       | Evans      | Leggett      | Rcilly       | Tompkins     |
| Beihlf      | Everett    | Lewis        | Rigby        | Waddell      |
| Bird        | Fish       | Machacek     | Rogers       | Wade         |
| Bisland     | Foelker    | Maier        | Rosenstein   | Wagner       |
| Brady       | Foster     | Mathews T F  | Salomon      | Wadsworth    |
| Brooks      | Francisco  | Matthews C R | Sammon       | Wainwright   |
| Burnett     | Freidel    | McKeown      | Santee       | West         |
| Burzynski   | Fuller     | McManus      | Scovill      | Wemple       |
| Byrne       | Gardner    | Mead         | Shanahan     | Whitney F G  |
| Cadin       | Gates      | Merritt      | Sheehy       | Whitney G H  |
| Cahn        | Grady      | Monroe       | Sherry       | Wiegand      |
| Callahan    | Grattan    | Moreland     | Shuttleworth | Wilson       |
| Carrier     | Gray       | Murphy       | Slocum       | Wolf         |
| Caughlan    | Gurnett    | Nugent       | Smith A P    | Wood F C     |
| Charles E E | Hackett    | Ogden        | Smith J E    | Wood F X     |
| Cooke       | Hammond    | O'Neill      | Smith J T    | Yale         |
| Coon        | Hanford    | Palmer       | Smith R H    | Young        |
| Coutant     | Hapeman    | Parker       |              |              |

Ordered, That the Clerk return said bill to Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1972, Senate reprint No. 1470) entitled "An act relating to the acquisition of property by the city of New York for a water supply, and providing for prompt payment therefor, and for damages occasioned by the acquisition thereof; providing for use and care of reservoirs owned by said city; and providing for the construction and maintenance of highways and bridges" (Int. No. 1318), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 9, after the word "counsel" strike out balance of line.

Same page, line 10, strike out all of line up to and including the word "employees."

Mr. Apgar moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were:

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Agnew       | Dowling   | Hubbs        | Perry        | Steele       |
| Allen F E   | Ellis     | Hurd         | Phillips     | Stevens      |
| Anderson    | Evans     | Knapp        | Platt        | Sullivan     |
| Apgar       | Everett   | La Fetra     | Pratt        | Tenjest      |
| Becker      | Fish      | La Rue       | Prentice     | Thompson G F |
| Bedell      | Foelker   | Leggett      | Quinn        | Thonet       |
| Beihilf     | Foster    | Lewis        | Reeve        | Tompkins     |
| Bisland     | Francisco | Maier        | Reilly       | Waddell      |
| Brooks      | Freidel   | Malloy       | Rigby        | Wade         |
| Burns       | Fuller    | Mathews T F  | Rosenstein   | Wagner       |
| Burzynski   | Gardner   | Matthews C R | Salomon      | Wainwright   |
| Cadin       | Gates     | McKeown      | Santee       | Wedemeyer    |
| Cahn        | Grady     | McManus      | Schoeneck    | West         |
| Callahan    | Grattan   | Merritt      | Seovill      | Wemple       |
| Caughlan    | Gray      | Monroe       | Shanahan     | Whitney G H  |
| Charles E E | Gurnett   | Moreland     | Sheldon      | Wiegand      |
| Charles W B | Hackett   | Murphy       | Shuttleworth | Wilsnack     |
| Cooke       | Hanford   | Nugent       | Slocum       | Wilson       |
| Cotton      | Hapeman   | Ogden        | Smith A P    | Wolf         |
| Coutant     | Hartman   | O'Neill      | Smith J E    | Wood F C     |
| Cox         | Hastings  | Parker       | Smith J T    | Yale         |
| Cunningham  | Hooker    | Patton       | Smith R H    | Young        |
| Dodd        | Hornidge  | Pendry       | Stanley      |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1998, Senate reprint No. 1459) entitled "An act making appropriations for construction, additions and improvements at the State hospitals for the insane, and for the construction of a reception hospital in the city of New York" (Int. No. 1436), with a message that they have concurred in the passage of the same with the following amendments:

Page 12, lines 1 and 2, strike out the words "one hundred forty-four" and insert the word "eighty-eight;" also, strike out the figures "\$144,000" and insert the figures "\$88,000."



Same page, line 8, strike out the words "et cetera."

Same page, line 9, strike out the word "two" and insert the word "one."

Same page, line 10, strike out the words "and thirty-two" and insert the word "fifty;" also, strike out the figures "(232,000)" and insert the figures "(150,000)."

Mr. Rogers moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hornidge     | Perry        | Smith R H    |
| Allen F E   | Dale       | Hubbs        | Phillips     | Standart     |
| Allen J G   | Dodd       | Hurd         | Plank        | Stanley      |
| Apgar       | Donovan    | Knapp        | Platt        | Steele       |
| Bass        | Ellis      | La Fetra     | Pratt        | Stevens      |
| Becker      | Etzel      | La Rue       | Prentice     | Tenjest      |
| Bedell      | Evans      | Leggett      | Prince       | Thompson G F |
| Beebe       | Everett    | Lewis        | Quinn        | Thompson J A |
| Bird        | Fish       | Machacek     | Reilly       | Thonet       |
| Bisland     | Fitzsimons | Malloy       | Rigby        | Waddell      |
| Brady       | Foelker    | Mathews T F  | Rogers       | Wade         |
| Brooks      | Foster     | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Francisco  | McKeown      | Salomon      | Wainwright   |
| Burzynski   | Fuller     | McManus      | Sammon       | Wedemeyer    |
| Byrne       | Gardner    | Merritt      | Santee       | West         |
| Cadin       | Grady      | Miller       | Schoeneck    | Whitney F G  |
| Cahn        | Grattan    | Moreland     | Scovill      | Whitney G H  |
| Callahan    | Gray       | Newton       | Sheehy       | Wiegand      |
| Carrier     | Hackett    | Nugent       | Sheldon      | Wilsnack     |
| Caughlan    | Hammond    | Ogden        | Sherry       | Wilson       |
| Charles E E | Hanford    | O'Neill      | Shuttleworth | Wolf         |
| Charles W B | Hapeman    | Palmer       | Slocum       | Wood F C     |
| Coon        | Hartman    | Parker       | Smith A E    | Wood F X     |
| Cotton      | Hooker     | Patton       | Smith J E    | Yale         |
| Coutant     | Hooper     | Pendry       | Smith J T    | Young        |
| Cowan       |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.



A message was received from the Senate, in the words following:

IN SENATE, *May 2, 1905.*

\* Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 890, reprint No. 1486) entitled "An act to amend section 8 of chapter 146 of the Laws of 1856, entitled 'An act authorizing the construction of a bridge across the Hudson river at Albany.'" (Rec. No. 179.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. McEwan, and by unanimous consent, the same was amended as follows:

Page 2, line 16, commencing with the word "if" strike out all down to and including the word "signal" in line 18.

Said bill as amended was reprinted, re-engrossed and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Mead moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cunningham | La Fetra     | Pratt      | Stanley      |
| Allen F E | Dodd       | La Rue       | Prentice   | Steele       |
| Allen J G | Donovan    | Lewis        | Prince     | Stevens      |
| Anderson  | Ellis      | Machacek     | Quinn      | Sullivan     |
| Apgar     | Etsel      | Maier        | Reeve      | Tenjost      |
| Bass      | Everett    | Malloy       | Reilly     | Thompson G F |
| Becker    | Fitzsimons | Mathews T F  | Rigby      | Thompson J A |
| Bedell    | Foelker    | Matthews C R | Rogers     | Thonet       |
| Beebe     | Francisco  | McKeown      | Rosenstein | Waddell      |
| Bird      | Freidel    | McManus      | Salomon    | Wade         |
| Bisland   | Fuller     | Merritt      | Santee     | Wagner       |
| Brady     | Gardner    | Miller       | Schoeneck  | Wadsworth    |
| Brooks    | Grady      | Moreland     | Scovill    | Wedemeyer    |
| Burnett   | Grattan    | Murphy       | Shanahan   | West         |
| Burns     | Gurnett    | Nugent       | Sheehy     | Wemple       |

|             |           |          |              |             |
|-------------|-----------|----------|--------------|-------------|
| Burzynski   | Hackett   | Ogden    | Sherry       | Whitney G H |
| Cadin       | Hammond   | O'Neill  | Shuttleworth | Wiegand     |
| Cahn        | Hapeman   | Palmer   | Slocum       | Wilsnack    |
| Carrier     | Hartman   | Parker   | Smith A P    | Wilson      |
| Caughlan    | Hastings  | Patton   | Smith A E    | Wolf        |
| Charles W B | Hooper    | Pendry   | Smith J E    | Wood F C    |
| Cooke       | Hornidge  | Phillips | Smith J T    | Wood F X    |
| Cotton      | Hubbs     | Plank    | Smith R H    | Yale        |
| Coutant     | Kavanaugh | Platt    | Standart     | Young       |
| Cox         | Knapp     |          |              |             |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Cowan      | Hartman     | Patton       | Smith R H    |
| Allen F E   | Cox        | Hastings    | Pendry       | Standart     |
| Allen J G   | Cunningham | Hooker      | Perry        | Steele       |
| Anderson    | Dale       | Hooper      | Phillips     | Stevens      |
| Bass        | Dodd       | Hubbs       | Plank        | Sullivan     |
| Becker      | Dowling    | Hurd        | Platt        | Tenjost      |
| Bedell      | Ellis      | Kavanaugh   | Pratt        | Thompson G F |
| Beebe       | Etsel      | Knapp       | Prentice     | Thompson J A |
| Bird        | Evans      | La Rue      | Quinn        | Thonet       |
| Bisland     | Everett    | Leggett     | Reeve        | Waddell      |
| Brady       | Fitzsimons | Lewis       | Reilly       | Wade         |
| Brooks      | Foelker    | Machacek    | Rigby        | Wagner       |
| Burnett     | Foster     | Malloy      | Rogers       | Wadsworth    |
| Burns       | Francisco  | Mathews T F | Salomon      | Wainwright   |
| Burzynski   | Freidel    | Mathews C R | Sammon       | Wedemeyer    |
| Byrne       | Fuller     | McKeown     | Schoeneck    | West         |
| Cadin       | Gardner    | McManus     | Scovill      | Whitney F G  |
| Cahn        | Gates      | Merritt     | Sheehy       | Whitney G H  |
| Callahan    | Grady      | Miller      | Sheldon      | Wiegand      |
| Carrier     | Grattan    | Monroe      | Shuttleworth | Wilsnack     |
| Caughlan    | Gray       | Murphy      | Slocum       | Wilson       |
| Charles E E | Gurnett    | Newton      | Smith A P    | Wood F C     |
| Charles W B | Hackett    | Nugent      | Smith A E    | Wood F X     |
| Coon        | Hammond    | O'Neill     | Smith J E    | Yale         |
| Cotton      | Hanford    | Palmer      | Smith J T    | Young        |
| Coutant     | Hapeman    | Parker      |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *May 3, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1269) entitled "An act to amend sections 4, 53, 81 and 114 of the Agricultural Law, entitled 'An act in relation to agriculture constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws.'" (Rec. No. 97.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Ambler, and by unanimous consent, the same was amended as follows:

Page 3, line 13, strike out the word "not" and insert the word "nor."

Said bill as amended was reprinted, re-engrossed and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Scovill moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Coutant    | Hartman      | Perry      | Smith J T    |
| Allen F E | Cowan      | Hastings     | Phillips   | Smith R H    |
| Allen J G | Cox        | Hooper       | Plank      | Stanley      |
| Anderson  | Cunningham | Hornidge     | Platt      | Steele       |
| Apgar     | Dale       | Hurd         | Pratt      | Stevens      |
| Bass      | Dodd       | Kavanaugh    | Prentice   | Sullivan     |
| Becker    | Donovan    | La Fetra     | Prince     | Tenjost      |
| Bedell    | Ellis      | Leggett      | Quinn      | Thompson G F |
| Beebe     | Etzel      | Lewis        | Reeve      | Thompson J A |
| Beihlf    | Evans      | Maier        | Rigby      | Tompkins     |
| Bird      | Everett    | Malloy       | Rogers     | Waddell      |
| Bisland   | Fitzsimons | Mathews T F  | Rosenstein | Wade         |
| Brady     | Foelker    | Matthews C R | Salomon    | Wagner       |
| Brooks    | Foster     | McKeown      | Sammon     | Wadsworth    |

|             |           |         |              |             |
|-------------|-----------|---------|--------------|-------------|
| Burnett     | Francisco | McManus | Santee       | Wedemeyer   |
| Burns       | Freidel   | Merritt | Schoeneck    | West        |
| Burzynski   | Fuller    | Miller  | Scovill      | Wemple      |
| Byrne       | Gardner   | Monroe  | Shanahan     | Whitney F G |
| Cahn        | Gates     | Murphy  | Sheehy       | Wiegand     |
| Callahan    | Grady     | Newton  | Sheldon      | Wilsnack    |
| Carrier     | Grattan   | Ogden   | Sherry       | Wilson      |
| Caughlan    | Gray      | O'Neill | Shuttleworth | Wolf        |
| Charles E E | Hackett   | Palmer  | Slocum       | Wood F C    |
| Charles W B | Hammond   | Parker  | Smith A P    | Wood F X    |
| Cooke       | Hanford   | Patton  | Smith A E    | Yale        |
| Coon        | Hapeman   | Pendry  | Smith J E    | Young       |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hastings     | Parker       | Smith J T    |
| Allen F E   | Coutant    | Hooker       | Patton       | Smith R H    |
| Allen J G   | Cowan      | Hooper       | Pendry       | Standart     |
| Anderson    | Cox        | Hornidge     | Perry        | Steele       |
| Appar       | Cunningham | Hubbs        | Phillips     | Stevens      |
| Bass        | Dodd       | Kavanaugh    | Plank        | Sullivan     |
| Becker      | Donovan    | Knapp        | Platt        | Tenjest      |
| Bedell      | Dowling    | La Fetra     | Pratt        | Thompson G F |
| Beebe       | Ellis      | La Rue       | Prince       | Thonet       |
| Beihlf      | Etzel      | Leggett      | Quinn        | Tompkins     |
| Bird        | Evans      | Machacek     | Reeve        | Waddell      |
| Bisland     | Everett    | Maier        | Reilly       | Wade         |
| Brady       | Fish       | Malloy       | Rigby        | Wadsworth    |
| Brooks      | Foelker    | Mathews T F  | Rogers       | Wainwright   |
| Burnett     | Foster     | Matthews C R | Salomon      | Wedemeyer    |
| Burns       | Francisco  | McKeown      | Santee       | Wemple       |
| Burzynski   | Fuller     | McManus      | Schoeneck    | Whitney F G  |
| Byrne       | Gardner    | Mead         | Scovill      | Whitney G H  |
| Cadin       | Gates      | Miller       | Shanahan     | Wiegand      |
| Cahn        | Grady      | Monroe       | Sheehy       | Wilsnack     |
| Callahan    | Grattan    | Moreland     | Sheldon      | Wilson       |
| Carrier     | Gray       | Newton       | Shuttleworth | Wolf         |
| Caughlan    | Gurnett    | Nugent       | Slocum       | Wood F C     |
| Charles E E | Hackett    | Ogden        | Smith A P    | Wood F X     |
| Charles W B | Hanford    | O'Neill      | Smith A E    | Yale         |
| Cooke       | Hapeman    | Palmer       | Smith J E    | Young        |
| Coon        | Hartman    |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the

final passage of said bill, and as amended have again passed the same.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Whereas, The ventilation and heating of the Senate and Assembly Chambers, and of the Capitol generally, is most unsanitary and unsatisfactory; and

Whereas, It is believed that this condition is the cause of much discomfort and ill-health to the members of the Legislature and the employees of the State whose duties require their presence in the Capitol building; therefore,

Resolved, That the State Architect be requested to take the necessary steps to investigate the subject, and to prepare plans, specifications and estimate of cost of remedying the evils complained of, to be presented to the next session of the Legislature; and that the State Architect be authorized, if in his judgment it be advisable, to secure the advice of some engineer, who shall be an expert in the matter of heating and ventilation.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate returned the concurrent resolution by Mr. Knapp, relative to the protection of fish in waters on the boundary between the State of New York, the Province of Quebec, the Province of Ontario and in Lake Champlain, with a message that they have concurred in the passage of the same with the following amendments:

Line 4, after the word "Champlain" insert the words "and the state of Pennsylvania."

Line 18, after the word "Ontario" insert the words "and with a committee of the legislature of Pennsylvania with regard to the uniform protection of game fish by the state bordering on the Delaware river."

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 132

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Parker       | Smith A E    |
| Allen F E   | Cunningham | Hastings     | Patton       | Smith J E    |
| Allen J G   | Dale       | Hooker       | Pendry       | Smith R H    |
| Anderson    | Dodd       | Hornidge     | Perry        | Standart     |
| Apgar       | Donovan    | Hubbs        | Phillips     | Stanley      |
| Bass        | Dowling    | Hurd         | Plank        | Steele       |
| Becker      | Ellis      | Kavanaugh    | Platt        | Sullivan     |
| Bedell      | Etzel      | Knapp        | Pratt        | Tenjost      |
| Beebe       | Evans      | La Rue       | Prince       | Thompson J A |
| Beihlf      | Everett    | Leggett      | Quinn        | Thonet       |
| Bird        | Fish       | Machacek     | Reeve        | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Reilly       | Waddell      |
| Brady       | Foelker    | Malloy       | Rogers       | Wade         |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wainwright   |
| Burns       | Freidel    | McKeown      | Sammon       | Wedemeyer    |
| Burzynski   | Fuller     | McManus      | Santee       | Wemple       |
| Cadin       | Gardner    | Mead         | Schoeneck    | Whitney F G  |
| Cahn        | Gates      | Merritt      | Scovill      | Whitney G H  |
| Callahan    | Grady      | Miller       | Shanahan     | Wiegand      |
| Carrier     | Grattan    | Moreland     | Sheehy       | Wilsnack     |
| Charles E E | Gray       | Murphy       | Sheldon      | Wilson       |
| Charles W B | Gurnett    | Nugent       | Sherry       | Wolf         |
| Cooke       | Hackett    | Ogden        | Shuttleworth | Wood F X     |
| Coon        | Hammond    | O'Neill      | Slocum       | Yale         |
| Cotton      | Hanford    | Palmer       | Smith A P    | Young        |
| Coutant     | Hapeman    |              |              |              |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That there be appointed a joint committee consisting of three members of the Senate, to be appointed by the President thereof, and four members of the Assembly, to be appointed by the Speaker thereof, for the purpose of examining the existing provisions of law relative to highways and the operation thereof, and the conditions and method of construction and maintenance of the highways of the State, with power to investigate the highway laws and the construction and maintenance of highways of adjoining States and reporting to the Legislature of 1906 such amendments to existing law and such recommendations, together with a plan for the equitable distribution of any moneys hereafter appropriated for the purpose of constructing or maintaining highways in this State, as

such investigation may determine to be proper. And that such committee shall have power to employ one stenographer, if necessary, examine witnesses, books and papers under process, if required, and sit at such times and places as shall be deemed necessary for the purpose, after the adjournment of the present session, and that the expenses of such committee, not to exceed the sum of \$3,500, shall be paid out of the appropriation for the contingent expenses of the Legislature.

Which was read and referred to the committee on rules.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That there be printed for the use of the Legislature and State departments a sufficient number of the Annual Hand Book of the State of New York for 1905 to supply each member of the Senate and the Assembly with 50 copies and the President of the Senate and the Clerk of each House and each State department with 100 copies, and to the Legislative Correspondents' Association 100 copies, the same to be paid for out of the contingent fund of the Legislature upon the certificate of the Clerks of said Houses respectively.

Which was read and referred to the committee on rules.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 742, entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902" (Int. No. 661), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 2196, entitled "An act to amend the Banking Law, relative to loans upon the second or divided mortgage plan" (Int. No. 479), with a message that they have concurred in the passage of the same.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No.

1061 (Senate reprint No. 1009), entitled "An act to amend the Greater New York charter, relative to the department of health" (Int. No. 733), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 528 (Senate reprint No. 1092), entitled "An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens" (Int. No. 487), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 970 (Senate reprint No. 1085), entitled "An act to amend the Greater New York charter, relating to the salary of the deputy chief of fire department in charge of the boroughs of Brooklyn and Queens" (Int. No. 828), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 1268, entitled "An act to amend chapter 4 of the Laws of 1864, entitled 'An act to incorporate the Roosevelt Hospital in the city of New York,' in relation to the election of additional trustees and the filling of vacancies" (Int. No. 1025), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1513 (Senate reprint No. 1311), entitled "An act to supplement the provisions of law relating to the police pension fund and

firemen's pension fund of the city of Syracuse" (Int. No. 1196), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 2168, entitled "An act to provide for the erection of a new high school in the city of Syracuse" (Int. No. 1190), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1543 (Senate reprint No. 1316), entitled "An act to supplement the provisions of law relating to the department of public safety of the city of Syracuse" (Int. No. 1228), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1542 (Senate reprint No. 1314), entitled "An act to supplement the provisions of law relating to the department of assessment and taxation of the city of Syracuse" (Int. No. 1225), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1562 (Senate reprint No. 1315), entitled "An act to supplement the provisions of law relating to the department of finance of the city of Syracuse" (Int. No. 1226), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.



A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1540, entitled "An act to amend chapter 26 of the Laws of 1885, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city' relative to certain actions against said city" (Int. No. 1227), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Alan C. Fobes, mayor of the city of Syracuse, returning Assembly bill No. 1541 (Senate reprint No. 1313), entitled "An act to supplement the provisions of law relating to the department of public works of the city of Syracuse" (Int. No. 1224), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. J. H. Wilson, mayor of the city of Cohoes, returning Assembly bill No. 2113, entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to jurors" (Int. No. 1452), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George M. Him, mayor of the city of Poughkeepsie, returning Assembly bill No. 1472 (Senate reprint No. 1093), entitled "An act to amend chapter 425 of the Laws of 1896, entitled 'An act to amend the charter of the city of Poughkeepsie' relative to the officers of said city, their duties, etc." (Int. No. 396), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.



The Senate returned the Senate bill (No. 1146, Assembly reprint No. 2318) entitled "An act to amend the Village Law, in relation to the borrowing of money for certain purposes" (Rec. No. 301), with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the following entitled bills, with a message that they have reconsidered their vote by which said bills passed, and as amended have again passed the same:

"An act to provide for the better collection of unpaid assessments for local improvements in the town of West Seneca, Erie county, N. Y." (No. 357, reprint No. 2270, Int. No. 357.)

"An act to amend the Forest, Fish and Game Law, relative to close season on trout." (No. 1216, reprint No. 2296, Int. No. 1006.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act to amend the Greater New York charter, relative to police clerks in the first and second divisions, and relative to the clerks of the children's court, first division." (No. 2319, Int. No. 457.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 2123) entitled "An act to amend the Highway Law, relative to extraordinary repairs of highways and bridges" (Int. No. 1164), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bills:

"An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York." (No. 1194, Senate reprint No. 1295, Int. No. 171.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected

with the canals of this State." (No. 767, Senate reprint No. 1379, Int. No. 679.)

"An act to amend the Highway Law, in relation to the appointment of overseers in towns under the money system, and the removal of obstructions caused by snow in such towns." (No. 1020, Senate reprint No. 1382, Int. No. 865.)

"An act to amend the Forest, Fish and Game Law, relative to special game protectors." (No. 1962, Senate reprint No. 1437, Int. No. 778.)

"An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,' relating to licenses." (No. 1151, Senate reprint No. 1446, Int. No. 797.)

"An act to amend the Railroad Law, in relation to the consents of property owners to the construction of street railroads in the county of Kings." (No. 1849, Senate reprint No. 1414, Int. No. 612.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment.

"An act to legalize and confirm the action of a majority of the electors of the town of New Hartford, Oneida county, at the last biennial town meeting in said town, on November 3, 1903, in relation to paying 15 per cent. of the cost of improving the Bridge-water turnpike as a town charge." (No. 2166, Int. No. 1504.)

"An act making appropriations for repairs, renewals and betterments for the several State prisons, the Eastern New York Reformatory, the Matteawan State Hospital for Insane Criminals and the Dannemora State Hospital for Insane Convicts." (No. 2008, Int. No. 735.)

"An act to amend chapter 441 of the Laws of 1899, entitled 'An act to create a commissioner of jurors in the several counties of this State,' in relation to Oneida county." (No. 2019, Int. No. 1356.)

"An act authorizing the board of supervisors of the county of Genesee to make an annual appropriation to corporations for the prevention of cruelty." (No. 2178, Int. No. 1512.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego,' relative to the office of recorder." (No. 2164, Int. No. 1502.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Oswego.

"An act empowering and authorizing the board of estimate and apportionment of the city of New York, in their discretion, to refund assessments made upon property for acquiring title to public park or place on the East river, known as East River Park, bounded by Eighty-sixth street, East river and Avenue B." (No. 1577, Int. No. 841.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to amend the State Charities Law in relation to the transfer of the duties of the treasurer to the agent of Craig Colony for Epileptics, and to reimbursement for maintenance of inmates of the colony." (No. 1816, Int. No. 1349.)

"An act to legalize and confirm the proceedings of the board of education and legal voters of union free school district No. 1 of the towns of Luzerne, Warren county, and Hadley, Saratoga county, relative to the levy of a tax payable in instalments, and the issuance and sale of certain school bonds of said district, for the purchase of a schoolhouse site and erection of a building thereon." (No. 2238, Int. No. 1541.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the following entitled bills, with a message that they have reconsidered their vote by which said bills passed, and as amended have again passed the same:

"An act to amend the Military Code, in relation to military parades on Dewey day." (No. 2267, Int. No. 646.)

"An act to amend the Code of Civil Procedure relating to the

disposition of the real estate of decedents for the payment of debts and funeral expenses." (No. 2328, Int. No. 533.)

"An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to ordinances pertaining to the fire alarm telegraph system." (No. 2329, Int. No. 660.)

"An act to amend the Banking Law, relative to the powers of trust companies." (No. 2268, Int. No. 832.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act relating to the appointment of employees of the fire department of the city of New York to the uniformed force of the said department." (No. 2330, Int. No. 945.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the Senate bill (No. 827, Assembly reprint No. 2263) entitled "An act amending section 1251 of the Code of Civil Procedure, relative to the lien of judgment" (Rec. No. 356), with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

On motion of Mr. Rogers, the House adjourned.

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## THURSDAY, MAY 4, 1905.

The House met pursuant to adjournment.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Speaker presented the twentieth annual report of the managers of the State Custodial Asylum for Feeble-Minded Women at Newark, which was laid upon the table and ordered printed.

(See Document.)



Also, the annual report of the board of managers of the New York Training School for Girls at Hudson, which was laid upon the table and ordered printed.

(See Document.)

The Senate sent for concurrence the following entitled bills:

"An act to amend the Transportation Corporations Law, relative to the powers of certain electrical corporations" (No. 1498, Rec. No. 494), which was read the first time and referred to the committee on electricity, gas and water supply.

"An act to amend section 544 of the Penal Code of the State of New York" (No. 1393, Rec. No. 495), which was read the first time and referred to the committee on codes.

"An act to amend the Tax Law in relation to the taxation of debts secured by mortgages" (No. 1531, Rec. No. 496), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately:

"An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations." (No. 2354, Int. No. 1373.)

Senate, "An act to amend the Banking Law in relation to profits and losses of cooperative savings and loan associations." (No. 431, Assembly reprint No. 2310, Rec. No. 342.)

Which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported:

"An act to amend the Greater New York charter, with relation to the appointment of firemen." (No. 2320, Int. No. 1568.)



"An act to appropriate money for the building of an elevated footbridge over the Champlain canal in the town of Waterford." (No. 1817, Int. No. 1350.)

"An act for the preservation of 'Andre's prison' at Tappan and making an appropriation therefor." (No. 252, Int. No. 252.)

"An act to provide for the construction of a lift or hoist bridge over the Erie canal, on Seneca street in the city of Utica, and making an appropriation therefor, and authorizing the city of Utica to raise money for the construction thereof." (No. 12, Int. No. 12.)

"An act for the preservation of the building known as the Billop House in the county of Richmond, and to authorize the acquisition of title thereto and to lands adjacent to the same for historical purposes." (No. 97, Int. No. 97.)

"An act to amend the Tax Law in relation to the taxation of debts secured by mortgages." (No. 2363, Int. No. 1585.)

"An act to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor." (No. 2364, Int. No. 1594.)

"An act to incorporate Third Franciscan Order, Minor Conventuals." (No. 2362, Int. No. 1595.)

"An act to amend section 50 of the Greater New York charter, relative to the use of streets, processions, et cetera." (No. 2236, Int. No. 1539.)

Which report was agreed to and said bills made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the following entitled Senate bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately.

"An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls' in relation to the powers of said city to acquire a water works system." (No. 1514, Rec. No. 66.)

"An act to amend the Banking Law, relative to communications from the Banking Department to banks, savings banks and trust companies." (No. 1485, Rec. No. 187.)

Which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled Senate bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

"An act to amend the Banking Law in relation to examinations of banks, savings banks, trust companies, and other corporations under the supervision of the Banking Department." (No. 395, Rec. No. 493.)

"An act to suspend the limitation of time for the completion and operation of railroads heretofore sold under foreclosure and for the relief of the same." (No. 1366, Rec. No. 490.)

"An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof, in relation to meetings of board of trustees, a board of street commissioners, a board of water commissioners, the office of treasurer and collector, compensation of assessors, and assessments." (No. 1466, Rec. No. 477.)

"An act to amend subdivision 2 of section 24 of chapter 112 of the Laws of 1896, the Liquor Tax Law, as amended by chapter 312 of the Laws of 1897 and as amended by chapter 485 of the Laws of 1904, relating to places in which the traffic in liquor shall not be permitted." (No. 1464, Rec. No. 491.)

"An act to amend section 53 of chapter 565 of the Laws of 1895, as amended by chapter 199, Laws of 1898, and by chapter 289, Laws of 1899, and by chapter 271, Laws of 1902, and by chapter 595, Laws of 1904, relative to the annual tax levy in the city of Little Falls." (No. 1000, Rec. No. 479.)

"An act to amend the Insurance Law in relation to jurisdiction of superintendent over foreign corporations." (No. 1499, Rec. No. 486.)

"An act to amend the Greater New York charter, in relation to promotions in the police department." (No. 1483, Rec. No. 484.)

"An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims and the duties of the Attorney-General and Superintendent of Public Works, in respect to claims submitted to such court." (No. 1468, Rec. No. 474.)

"An act to amend the Agricultural Law, relative to the promotion and encouragement of sugar beet culture." (No. 1496, Rec. No. 489.)

"An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class.' " (No. 1279, Rec. No. 483.)

"An act to amend the Labor Law relating to the protection of persons employed on buildings in cities." (No. 1504, Rec. No. 487.)

"An act to legalize the acts of James C. McCormick." (No. 1463, Rec. No. 471.)

"An act to amend chapter 591 of the Laws of 1904, entitled 'An act prescribing method for acquiring land and water for State fish hatchery purposes,' in relation to securing fish eggs." (No. 1505, Rec. No. 492.)

Which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

ALBANY, May 4, 1905.

*To the Legislature:*

I respectfully call attention to the portion of my annual message relating to the repeal of the tax imposed on the surplus of savings banks by chapter 117 of the Laws of 1901, which reads as follows:

"The tax on the surplus and undivided profits of savings banks appears in its practical operation to be a tax upon the depositors, and is, therefore, contrary to the long-established policy of the State to exempt from taxation the savings of those who make use of these banks. The amount of the tax is charged against the current earnings of the bank and is not taken from the surplus, and it is claimed that the bank is, therefore, unable to pay the same rates of interest to depositors as it would if the tax were not imposed. A reduction of the interest on these accounts is a hardship to those affected thereby, and I recommend the repeal of this tax. The receipts from this source for the past fiscal year were \$720,000, and the revenue thus lost must be made up; but at the same time justice seems to demand that this tax be abolished and that some more equitable method of raising the amount be resorted to."

A bill to carry into effect this recommendation, introduced on the first day of the legislative session, still remains in committee. With the unexpected and increasing demands for the payment of claims against the State which have been held by the courts to be justly due, with the equally unexpected curtailment of revenue, also due to judicial decisions, and with the unavoidable extraordinary expenses of this session, doubt has arisen in the minds of some as to the wisdom of surrendering any source of present revenue. It has been urged that the Empire State cannot be either penurious or niggardly in the exercise of its public functions; that it should not in honor and good faith seek to hinder nor delay its creditors and that it cannot with prudence release the savings banks from the burden of this tax at the present time.

But pledges to the people must faithfully be kept and cannot safely be ignored on the specious plea of necessity. The Republican party is committed to this repeal by the repeated public declarations of its candidates. It cannot afford to refuse to do its duty in this regard. The reasons for relieving the savings banks from this tax as a matter of justice are more cogent now than at the opening of the session.

I therefore recommend that the Legislature take immediate favorable action on the bill to repeal this tax.

FRANK W. HIGGINS.

Ordered, That said message be printed and laid upon the table.

(See Document.)



Mr. Speaker announced the special order, being the bill (No. 2854) entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations." (Int. No. 1373.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hapeman      | Palmer       | Smith J T    |
| Allen F E   | Cowan      | Hartman      | Parker       | Smith R H    |
| Allen J G   | Cox        | Hooker       | Patton       | Standart     |
| Anderson    | Cunningham | Hooper       | Pendry       | Stanley      |
| Apgar       | Dale       | Hornidge     | Phillips     | Stevens      |
| Bass        | Dodd       | Hubbs        | Plank        | Sullivan     |
| Beeker      | Donovan    | Hurd         | Platt        | Tenjost      |
| Bedell      | Dowling    | Kavanaugh    | Pratt        | Thompson G F |
| Beebe       | Ellis      | Knapp        | Prentice     | Thompson J A |
| Beihlf      | Evans      | La Fetra     | Prince       | Thonet       |
| Bird        | Everett    | La Rue       | Reeve        | Tompkins     |
| Bisland     | Fish       | Leggett      | Reilly       | Waddell      |
| Brady       | Fitzsimons | Lewis        | Rigby        | Wade         |
| Brooks      | Foelker    | Machacek     | Rogers       | Wagner       |
| Burnett     | Foster     | Maier        | Rosenstein   | Wainwright   |
| Burns       | Francisco  | Mathews T F  | Salomon      | Wedemeyer    |
| Burzynski   | Freidel    | Matthews C R | Saunmon      | West         |
| Cadin       | Fuller     | McKeown      | Santee       | Wemple       |
| Cahn        | Gardner    | McManus      | Schoeneck    | Whitney F G  |
| Callahan    | Gates      | Mead         | Scovill      | Whitney G H  |
| Carrier     | Grady      | Miller       | Shanahan     | Wiegand      |
| Caughlan    | Grattan    | Monroe       | Sheldon      | Wilsnack     |
| Charles E E | Gray       | Moreland     | Sherry       | Wilson       |
| Charles W B | Gurnett    | Murphy       | Shuttleworth | Wood F C     |
| Cooke       | Hackett    | Nugent       | Smith A P    | Wood F X     |
| Coon        | Hammond    | Ogden        | Smith A E    | Yale         |
| Cotton      | Hanford    | O'Neill      | Smith J E    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 431, Assembly reprint No. 2310) entitled "An act amending the Banking Law in relation to profits and losses of cooperative savings and loan associations." (Rec. No. 542.)



Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Parker       | Smith R H    |
| Allen F E   | Cowan      | Hastings     | Patton       | Stanley      |
| Allen J G   | Cox        | Hooker       | Pendry       | Steele       |
| Anderson    | Cunningham | Hooper       | Perry        | Stevens      |
| Apgar       | Dale       | Hornidge     | Phillips     | Sullivan     |
| Bass        | Dodd       | Hubbs        | Plank        | Tenjost      |
| Becker      | Donovan    | Hurd         | Pratt        | Thompson G F |
| Bedell      | Dowling    | Kavanaugh    | Prentice     | Thompson J A |
| Beebe       | Ellis      | Knapp        | Prince       | Tompkins     |
| Beihliff    | Evans      | La Fetra     | Reeve        | Waddell      |
| Bird        | Everett    | La Rue       | Reilly       | Wade         |
| Bisland     | Fish       | Lewis        | Rigby        | Wagner       |
| Brady       | Fitzsimons | Machacek     | Rogers       | Wainwright   |
| Brooks      | Foelker    | Malloy       | Salomon      | Wedemeyer    |
| Burnett     | Foster     | Mathews T F  | Sammon       | West         |
| Burns       | Francisco  | Matthews C R | Santee       | Wemple       |
| Burzynski   | Freidel    | McKeown      | Scovill      | Whitney F G  |
| Cadin       | Fuller     | McManus      | Shanahan     | Wiegand      |
| Cahn        | Gardner    | Mead         | Sheehy       | Wilsnack     |
| Callahan    | Gates      | Miller       | Sherry       | Wilson       |
| Carrier     | Grady      | Monroe       | Shuttleworth | Wolf         |
| Caughlan    | Grattan    | Murphy       | Slocum       | Wood F C     |
| Charles E E | Gurnett    | Nugent       | Smith A P    | Wood F X     |
| Charles W B | Hackett    | Ogden        | Smith J E    | Yale         |
| Coon        | Hanford    | O'Neill      | Smith J T    | Young        |
| Cotton      | Hapeman    | Palmer       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the bill (No. 2362) entitled "An act to incorporate Third Franciscan Order, Minor Conventuals." (Int. No. 1595.)

On motion of Mr. Schoeneck, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hartman      | Ogden        | Smith A E    |
| Allen F E   | Cunningham | Hastings     | Palmer       | Smith J T    |
| Allen J G   | Dale       | Hooker       | Parker       | Smith R H    |
| Anderson    | Dodd       | Hooper       | Patton       | Standart     |
| Apgar       | Donovan    | Hornidge     | Pendry       | Stanley      |
| Bass        | Dowling    | Hubbs        | Perry        | Steele       |
| Bedell      | Ellis      | Hurd         | Phillips     | Stevens      |
| Beebe       | Etzel      | Kavanaugh    | Plank        | Tenjost      |
| Beibilf     | Evans      | Knapp        | Platt        | Thompson G F |
| Bird        | Everett    | La Rue       | Pratt        | Thompson J A |
| Bisland     | Fish       | Leggett      | Prentice     | Thonet       |
| Brady       | Fitzsimons | Lewis        | Prince       | Tompkins     |
| Brooks      | Foelker    | Machacek     | Quinn        | Waddell      |
| Burnett     | Foster     | Maier        | Reeve        | Wade         |
| Burns       | Francisco  | Malloy       | Rigby        | Wadsworth    |
| Byrne       | Freidel    | Mathews T F  | Rogers       | Wainwright   |
| Cadin       | Fuller     | Matthews C R | Rosenstein   | West         |
| Cahn        | Gardner    | McKeown      | Sammon       | Wemple       |
| Callahan    | Gates      | McManus      | Santee       | Whitney F G  |
| Caughlan    | Grady      | Mead         | Schoeneck    | Wiegand      |
| Charles E E | Grattan    | Merritt      | Scovill      | Wilsnack     |
| Charles W B | Gray       | Miller       | Sheehy       | Wolf         |
| Cooke       | Gurnett    | Monroe       | Sheldon      | Wood F C     |
| Coon        | Hackett    | Murphy       | Sherry       | Wood F X     |
| Cotton      | Hammond    | Newton       | Shuttleworth | Yale         |
| Coutant     | Hanford    | Nugent       | Smith A P    | Young        |
| Cowan       | Hapeman    |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2364 (Int. No.

1594), entitled "An act to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor."

Given under my hand and the privy seal of the State,  
at the Capitol, in the city of Albany, this third  
[L. s.] day of May in the year of our Lord one thousand nine  
hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker announced the special order, being the bill (No. 2364) entitled "An act to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor." (Int. No. 1594.)

On motion of Mr. Wade, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cowan      | Hooker       | Pendry     | Smith R H    |
| Allen F E | Cox        | Hooper       | Perry      | Standart     |
| Allen J G | Dale       | Hornidge     | Phillips   | Stanley      |
| Anderson  | Dodd       | Hubbs        | Plank      | Stevens      |
| Apgar     | Dowling    | Hurd         | Platt      | Sullivan     |
| Bass      | Ellis      | Kavanaugh    | Pratt      | Tenjust      |
| Becker    | Etzel      | La Fetra     | Prentice   | Thompson G F |
| Bedell    | Evans      | La Rue       | Prince     | Thonet       |
| Beihilf   | Everett    | Leggett      | Quinn      | Tompkins     |
| Bird      | Fitzsimons | Machacek     | Reeve      | Waddell      |
| Bisland   | Foelker    | Maier        | Reilly     | Wagner       |
| Brady     | Foster     | Malloy       | Rogers     | Wadsworth    |
| Brooks    | Francisco  | Mathews T F  | Rosenstein | Wainwright   |
| Burns     | Freidel    | Matthews C R | Salomon    | Wedemeyer    |
| Burzynski | Fuller     | McKeown      | Sammon     | West         |
| Byrne     | Gates      | McManus      | Santee     | Whitney F G  |

|             |          |         |              |             |
|-------------|----------|---------|--------------|-------------|
| Cadin       | Grady    | Merritt | Schoeneck    | Whitney G H |
| Cahn        | Grattan  | Miller  | Scovill      | Wilsnack    |
| Callahan    | Gray     | Monroe  | Sheehy       | Wilson      |
| Carrier     | Gurnett  | Murphy  | Sheldon      | Wolf        |
| Charles E E | Hammond  | Nugent  | Shuttleworth | Wood F C    |
| Charles W B | Hanford  | Ogden   | Slocum       | Wood F X    |
| Cooke       | Hapeman  | Palmer  | Smith A E    | Yale        |
| Cotton      | Hartman  | Parker  | Smith J E    | Young       |
| Coutant     | Hastings | Patton  | Smith J T    |             |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent,

Mr. Wade offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on rules be discharged from the further consideration of Senate bill No. 1531, entitled "An act to amend the Tax Law in relation to the taxation of debts secured by mortgages." (Rec. No. 496.)

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

On motion of Mr. Wade, and by unanimous consent, said bill was substituted for Assembly bill No. 2363 (Int. No. 1585), same title and subject, now a special order on second and third reading.

Mr. Wainwright moved to amend said bill by striking out all after the enacting clause and inserting the following:

"Section 1. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to taxation, constituting chapter twenty-four of the general laws,' is hereby amended by adding thereto a new article and sections to be known as article fourteen and sections two hundred and ninety to two hundred and ninety-four inclusive, and to read as follows:

#### "ARTICLE XIV.

"RECORDING TAX ON REAL ESTATE MORTGAGES; EXEMPTION.

"Section 290. Exemption of mortgages from taxation.

291. Recording tax.

292. Payment of tax; affixing stamps; effect of non-payment.

293. Preparation of stamps; bonds of officials; payment of tax into treasury.

294. Payment of recording officers.



“Section 290. Exemption of mortgages from taxation.—All mortgages embracing real estate situated within the state, and the bonds, notes, obligations and debts therein expressed to be secured thereby shall be exempt from all taxation under the authority of this state, or of any county, city, town, village or other subdivision thereof, except as hereafter in this article provided and except also the transfer tax imposed by article ten of the tax law.

“§ 291. Recording tax.—There shall be levied, collected and paid for the use of the state, on all mortgages embracing real estate situated within the state, the execution of which shall be acknowledged or proven on or subsequently to the first day of July, nineteen hundred and five, a tax of fifty cents for each one hundred dollars and any remaining major fraction thereof of principal indebtedness expressed in each such mortgage to be under any contingency secured by such mortgage, according to the terms thereof; but if any such mortgage shall be offered for record within one year from the date of the first record of a satisfied mortgage covering the same property, any tax, pursuant to the provisions of this article which may have been paid upon the satisfied mortgage shall be deducted from the amount of the tax to be paid upon the new mortgage. No mortgage shall be recorded in which the principal indebtedness under any contingency to be secured thereby is not expressed. Executory contracts for the sale of real estate, under which the vendee has or is entitled to possession, shall be deemed to be mortgages for the purpose of this article. All mortgages the execution of which shall have been acknowledged or proven prior to July first, nineteen hundred and five, embracing any real property which is situated in this state, and the bonds, notes, obligations and debts therein expressed to be secured thereby, shall be exempt from all taxation under the authority of this state, or of any county, city, town, village, or other subdivision thereof except the transfer tax imposed by article ten of the tax law.

“§ 292. Payment of tax; affixing stamps; effect of non-payment.—The tax imposed by section two hundred and ninety-one shall be payable on the execution and delivery of the mortgage or contract subject to tax thereunder, and shall be paid to the recording officer of any county in which the mortgaged real estate is situated. It shall be the duty of such recording officer on the production thereof, and without requiring record thereof, to affix to the mortgage or contract, and cancel in such manner as



the state comptroller may direct, adhesive stamps denoting the amount so paid, and no mortgage or contract subject to tax under section two hundred and ninety-one shall be made the basis of any action or legal proceeding, or admitted to record, until it shall have been so produced and stamped. Any mortgage or contract so stamped may thereafter be recorded in said county or any other county without payment of any additional tax, and when recorded the record shall be endorsed to the effect that the mortgage so recorded has been stamped as herein required, and such endorsement shall be conclusive proof that such mortgage has been so stamped..

“§ 293. Preparation of stamps; bonds of officials; payment of tax into treasury.—Adhesive stamps for the purposes aforesaid shall be prepared by the comptroller of the state, in such form, and of such denominations, as he may from time to time prescribe, and shall by him be furnished to the recording officers of all the counties of this state, who shall account to him therefor, at the face value thereof, and who shall account for, and pay over to him, all taxes received by them under the provisions of this article; in such manner, at such time, and under such regulations, as he may prescribe; and the several recording officers of the state shall give a bond to the people of the state of New York, in form to be prescribed by the state comptroller, for such amount in each case, as he may require, conditioned for the faithful discharge of their duties under this article; such bond shall also be approved by the comptroller as to the sufficiency of the sureties thereon; and in case of default thereunder shall be presented by him in his name as comptroller. Forthwith, upon receiving such taxes from the recording officers the comptroller shall pay the same into the treasury of the state to the credit of the general fund thereof, and shall, annually in the month of January, report to the legislature the taxes received by him pursuant to this article.

“§ 294. Payment of recording officers.—For the services required of them by this article recording officers shall severally be entitled to receive, out of the state treasury, in addition to the salaries and fees now allowed to them by law, the sum of two hundred dollars per annum and a commission on all taxes collected at their offices respectively at the rate of one per centum, but not exceeding in any one year the sum of five thousand dollars.

“§ 2. This act shall take effect immediately.”

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the negative.

Mr. Wainwright moved to amend by striking out all after the enacting clause and inserting the following:

“Section 1. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled ‘An act in relation to taxation, constituting chapter twenty-four of the general laws,’ is hereby amended by adding thereto a new article to be known as article fourteen, and to read as follows:

#### “ARTICLE XIV.

##### “TAXATION OF MORTGAGES.

“Section 290. Definitions.

291. Recording tax.

292. Exemptions from taxation under this article.

293. Payment of recording tax; record number of mortgage.

294. Proceedings before state board of tax commissioners.

295. Apportionment of taxes by recording officer.

296. Exemption from local taxation.

297. Effect of nonpayment of tax.

298. Adhesive stamps; books and records; commissions of recording officers.

299. Payment of tax by recording officer.

300. Statement of recording officer to county treasurer.

301. Distribution and application of taxes.

302. Undertaking of recording officer.

303. Deposit in banks; undertaking.

304. General powers of comptroller.

305. Optional payment of taxes on prior mortgages.

“Section 290. Definitions.—The term ‘mortgage,’ as used in this article, shall include every conveyance, instrument and writing, under or by virtue of which it is intended between the parties thereto to grant, convey or transfer real property or any interest therein to secure the payment of money or the performance of an act absolutely or contingently. Every executory contract for the sale of real property may be recorded as a mortgage of real prop-

erty, and every such contract under which the vendee is in possession, or is entitled or may become entitled to possession, shall be deemed a mortgage for the purpose of this article. The term 'principal indebtedness,' as used in this article means the maximum amount secured to be paid by the mortgage.

"§ 291. Recording tax.—There shall be paid on each mortgage of real property situated within the state, hereafter recorded, a recording tax upon the gross amount of the principal indebtedness expressed therein and secured thereby, at the rate of one-half of one per centum. No mortgage shall be received for record or recorded, unless the principal indebtedness secured thereby shall be distinctly expressed therein.

"§ 292. Exemptions from taxation under this article.—There shall be exempted from the tax imposed by this article mortgages executed to loan commissioners to secure moneys belonging to the United States deposit fund; and mortgages, the legal or beneficial ownership of which is vested in the United States or in this state. When a mortgage is a lien upon both real and personal property, such proportion thereof as the value of the personal property bears to the aggregate value of both the real and personal property covered by such mortgage, shall also be exempt from such tax.

"§ 293. Payment of recording tax; record number of mortgage.—The recording tax hereby imposed shall be paid to the recording officer where the mortgage is first presented for record. Each mortgage upon presentation for record shall be consecutively numbered by the recording officer; such number shall be known as the 'record number' of such mortgage. Such recording officer shall then affix to such mortgage adhesive stamps denoting the amount of the recording tax paid thereon and shall cancel the same. No mortgage shall be recorded until such recording tax has been paid. Upon the payment of such recording tax, the recording officer shall deliver to the person paying such tax a certificate of such payment, and any mortgage upon which the recording tax has been paid may be recorded in any other county, without the payment of an additional recording tax, upon the presentation of such certificate. Such certificate shall be evidence for all purposes of the fact that such payment has been made.

"§ 294. Proceedings before state board of tax commissioners.—When a mortgage is hereafter presented for record which covers:

"1. Real property, or both real and personal property situated partly within and partly without the state;

"2. Both real and personal property situated in two or more counties within the state;

"3. Both real and personal property situated partly within and partly without a town or city within a county;

there shall also be presented therewith a statement in duplicate verified by the mortgagee, or his attorney in fact, acting under a duly executed and recorded power of attorney, specifying the value of the real and personal property covered by the mortgage, stated separately; the value of such real property situated within the state, within each county and within each town and city, stated separately. One of such statements shall be filed by the recording officer in his office, and the other shall be forthwith transmitted by him to the comptroller. The recording tax shall be computed by the recording officer upon such proportion of the principal indebtedness secured by the mortgage as the value of the real property situated within the state shall bear to the aggregate value of both real and personal property covered by such mortgage, as specified in such statement and the tax so computed shall be paid to him. The comptroller shall present the statement transmitted to him, or a certified copy thereof, to the state board of tax commissioners, who shall, upon the receipt of such statement, upon not less than ten days notice, served personally or by mail upon the person making such statement and upon the comptroller, proceed to determine what proportion of the principal indebtedness secured by the mortgage shall be used as the basis of taxation within the state under the provisions of this article. They shall also determine in such proceeding the proportion of the recording tax which the recording officer of each county in which any portion of the real property covered by such mortgage is situated, is entitled to receive, and also the proportion of the tax to be distributed under the provisions of this article, to be credited to each town or city within a county. The state board of tax commissioners shall report their determination to the comptroller, who shall file a certificate with the recording officer of each county in which any part of the real property covered by such mortgage is situated. The comptroller shall also serve a copy of such certificate, personally or by mail, upon the person making such statement, together with a notice requiring the payment to the proper recording officer within ten days of the amount of the recording tax yet to be paid, if any, in accordance with the determination of said board; such additional recording tax shall become due and be deemed unpaid upon the expiration



of such period of ten days. The determination of said board shall fix the proportion of such tax which each such recording officer is entitled to receive, and the proportion of such tax to be distributed, under the provisions of this article, and credited to each town or city within a county.

“When a mortgage covering real property situated in more than one county shall be hereafter recorded, the recording officer of each county where the same is recorded, shall forthwith make a statement thereof in duplicate to the comptroller in such form as the comptroller shall prescribe. The comptroller shall present one of such statements to the state board of tax commissioners who shall, upon not less than ten days’ notice by mail to the recording officer of each county wherein any part of the real property covered by such mortgage is situated, determine the proportion of the recording tax imposed thereon, which the recording officer of each county is entitled to receive. Such determination shall be final and conclusive. The said board shall report their determination to the comptroller, who shall certify the same to each recording officer. Upon the receipt by the recording officers to whom the recording tax has been paid of the comptroller’s certificate as to the determination of the state board of tax commissioners, he shall pay to each of the recording officers specified in such certificate the proportion of such tax which each of them is entitled to receive as specified in such certificate. The state board of tax commissioners may adopt rules and regulations governing the procedure in all such proceedings.

“§ 295. Apportionment of tax by recording officer.—When a mortgage is recorded which covers real property alone, wholly within a county and situated partly within and partly without a town or city therein, the recording officer of such county shall proceed to determine the value of the real property situated in each such town or city, and the proportion of the recording tax to be distributed under the provisions of this article, to each such town or city. Such proportion shall be the proportion which the value of the real property situated in any such town or city bears to the total value of the real property covered by the mortgage. In making such determination, he may take and hear testimony in relation to all questions involved therein. The recording officer shall make an entry in the proper record book of the recording tax, to be distributed to each such town and city. Such determination of such recording officer shall be final and conclusive.



“ § 296. Exemption from local taxation.—All mortgages, upon which the recording tax hereby imposed shall have been paid, as provided herein, and the bonds, notes, obligations and debts therein expressed to be secured thereby, shall be exempt from all taxation under the authority of this state, or of any county, city, town, village or school district thereof, except the taxes imposed by section twenty-four of article two, and articles nine and ten of this chapter.

“ § 297. Effect of nonpayment of tax.—No written instrument or paper, in the nature of or evidencing an assignment or transfer of any mortgage hereafter recorded, or of any interest thereunder, nor any satisfaction piece, release or discharge of any such mortgage, or of the debt or obligation secured thereby, or of any part thereof, shall be recorded or filed by any recording officer until the recording tax imposed by this article shall have been first paid as provided herein. No mortgage hereafter recorded shall be made the basis of any action or proceeding, legal or equitable, nor shall any action or proceeding be commenced or maintained for the foreclosure or enforcement of the lien, terms or conditions of such mortgage, nor shall any recording officer receive, file, enter or record any paper in any such action or proceeding, until the recording tax imposed by this article shall have been first paid as provided herein.

“ § 298. Adhesive stamps; books and records; commissions of recording officers.—Adhesive stamps for the purposes of this article shall be prepared by the comptroller, in such form and of such denominations, as he may prescribe, and shall be furnished by him to the recording officers of all the counties of the state, who shall account to him thereof in such manner, at such times and under such regulations as he may prescribe. The necessary books, records, forms, and blanks to carry into effect the purposes of this article shall be uniform, so far as practicable, in all the counties. The expense of procuring and furnishing such stamps, and the books, records, forms and blanks required for the purposes of this article, shall be a charge against the state. For the services required to be performed by a recording officer under this article, he shall be entitled to receive, in addition to the salary and fees now allowed to him by law, a commission of two per centum on all taxes received by him under this article, not exceeding in any one year to any such recording officer the sum of five thousand dollars. Such commission shall be in full for all

expenses incurred and all services performed by him under this article.

“ § 299. Payment of tax by recording officer.—After deducting his commission the recording officer shall pay one-half of the taxes received by him to the comptroller for the use of the state, to be paid by him into the treasury of the state to the credit of the general fund. The recording officer shall pay the other one-half of such taxes to the county treasurer, or in any county which is wholly embraced within a city of the first class, to the chamberlain of said city, to be distributed and applied as hereinafter provided. Such payment shall be made at such times during the month of September of each year, and in such manner as shall be prescribed by the comptroller.

“ § 300. Statement of recording officer to county treasurer.—The recording officer of each county, except a county wholly embraced within a city of the first class, shall keep a record in which shall be credited to each town and city in such county, the recording taxes, exclusive of his commissions, paid on account of the mortgages covering real property situated within each such town and city, or in the case of mortgages on real property situated partly within and partly without a town or city, the amount thereof fixed in accordance with the determination of the state board of tax commissioners, or the recording officer, as hereinbefore provided. At the time of making the payment to the county treasurer, the recording officer shall transmit a statement of the total amount of such taxes so credited to each town and city within the county.

“ § 301. Distribution and application of taxes.—Taxes received by the recording officer of a county wholly embraced within a city of the first class, and paid to the chamberlain of such city, shall be applied in the same manner as other taxes levied for general city purposes and paid to such chamberlain. The county treasurer of each other county shall distribute the moneys paid to him as follows: The amount credited upon the statement of the recording officer to a city shall be paid to the city treasurer or other corresponding fiscal officer, to be applied in the same manner as taxes levied for general city purposes. The amount credited upon said statement to a town shall be paid to the supervisor thereof. Of the amount paid to the supervisor, one-half thereof shall be apportioned among the several school districts within the town, in the same manner and in the same proportion as is provided by law for the apportionment of moneys to such

school districts from the common school fund of the state, and shall be distributed by the supervisor to such school districts. The provisions of the consolidated school law, relating to the apportionment, distribution and payment of school moneys and the powers and duties of officers thereunder shall apply, so far as practicable, to the apportionment and distribution of the amount herein to be distributed among the school districts in any such town. The supervisor shall apportion the other one-half of the amount paid to him between the town and the villages situated wholly or partly within such town, in such proportion as the amount raised by taxation in each of such villages, within the town, exclusive of school taxes, bears to the total amount raised by taxation in such town and each such village, exclusive of school taxes. The amount so apportioned to a village shall be paid to the treasurer or other corresponding fiscal officer thereof, and shall be applied in the same manner as other taxes levied for general village purposes. The amount thereof apportioned to the town shall be retained by the supervisor and applied in the same manner as other taxes levied by the board of supervisors upon the taxable property within such town. The amount so retained shall be reported by the supervisor to the town clerk and clerk of the board of supervisors and shall be credited upon the town abstract, prior to the levy of the annual tax by the board of supervisors.

“ § 302. Undertaking of recording officer.—Each recording officer shall execute an undertaking to the people of the state of New York in an amount to be prescribed by the comptroller. Such undertaking shall be approved by the comptroller, both as to the form and sufficiency of the sureties, and shall be conditioned for the faithful discharge by the recording officer of his duties, and the accounting and application by him of all moneys received by him under the provisions of this article.

“ § 303. Deposit in banks; undertaking.—The recording officer shall deposit daily in a bank or banks designated by the comptroller the moneys received by him under this article, exclusive of the commission to which he is entitled. No moneys so deposited shall be paid out except upon the draft of the recording officer countersigned by the comptroller. Such bank shall render an account of all moneys so deposited at such times and in such form as the comptroller shall prescribe. A bank so designated, before receiving any such deposit, shall give an undertaking to the people of the state in such sum and with such sureties as

shall be required and approved by the comptroller, conditioned for the safe keeping and prompt payment of all moneys on deposit in such bank, with interest thereon, on daily or monthly balances, at such rate as the comptroller may fix. The interest on such deposits shall belong to the state, and shall be paid to the comptroller upon his order.

“§ 304. General powers of comptroller.—The comptroller shall:

“1. Have complete jurisdiction, power and authority to enforce and carry into effect the provisions of this article;

“2. Have general supervisory power over all officers charged with the performance of duties under the provisions of this article, and have full power to direct them in the discharge of such duties;

“3. Make all rules and regulations, not inconsistent with law, necessary to enforce and carry into effect the provisions of this article;

“4. Have power to require the making of such reports and statements, and the keeping of such books and records by all officers charged with the performance of duties, under this article, as he may deem necessary;

“5. Prescribe the forms of all books, records, reports and statements, certificates and other papers required by this article, or required or deemed by him to be necessary to carry into effect the provisions thereof; and

“6. Have general administrative power in respect to the subject-matter of this article.

“§ 305. Optional payment of taxes on prior mortgages.—The owner of a mortgage, recorded prior to the taking effect of this act, may, at his option, at any time, present to the recording officer of any county where said mortgage is recorded, such mortgage accompanied by a statement in duplicate, verified by him or his duly authorized attorney in fact, acting under a duly executed and recorded power of attorney. Such statement shall contain a description of the mortgage, the counties in which, the time when, and each book and page where recorded, the amount of the principal indebtedness originally secured by such mortgage, the amount thereof remaining unpaid at the time such statement is presented, and such other facts as may be required by the comptroller. Upon the payment to the recording officer of the amount of the recording tax hereby imposed, calculated upon the amount of the principal indebtedness secured by such mort-



gage remaining unpaid, as shown by such statement, which shall be determined in the same manner as though such mortgage was then for the first time presented for record, the recording officer shall affix to one of such duplicate statements adhesive stamps, denoting the amount of the tax so paid and shall cancel the same. Such duplicate statement shall be returned to the person presenting the same, and the other duplicate shall be filed by said recording officer in his office. Such mortgage shall thereafter be entitled to the exemption from taxation provided herein, in all respects the same as if such mortgage had been recorded subsequent to the taking effect of this act.

“ § 2. This act shall take effect July first, nineteen hundred and five.”

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 70

NOES 79

Those who voted in the affirmative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Agnew     | Donovan    | Hartman     | O'Neill    | Sherry       |
| Anderson  | Dowling    | Hastings    | Palmer     | Smith A E    |
| Beihilf   | Ellis      | Hornidge    | Pendry     | Smith R H    |
| Bird      | Etzel      | Kavanaugh   | Perry      | Standart     |
| Brady     | Everett    | La Fetra    | Prentice   | Stanley      |
| Burns     | Fitzsimons | La Rue      | Prince     | Sullivan     |
| Burzynski | Foelker    | Machacek    | Quinn      | Thompson J A |
| Byrne     | Francisco  | Malloy      | Reilly     | Tompkins     |
| Cahn      | Freidel    | Mathews T F | Rigby      | Wagner       |
| Caughlan  | Fuller     | McKeown     | Rosenstein | Wainwright   |
| Cooke     | Gardner    | McManus     | Salomon    | Wedemeyer    |
| Coutant   | Grady      | Miller      | Sammon     | Wiegand      |
| Dale      | Gurnett    | Murphy      | Shanahan   | Wolf         |
| Dodd      | Hackett    | Nugent      | Sheehy     | Young        |

Those who voted in the negative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Allen F E   | Cotton     | Hurd         | Platt        | Thompson G F |
| Allen J G   | Cowan      | Knapp        | Pratt        | Thonet       |
| Apgar       | Cox        | Leggett      | Reeve        | Waddell      |
| Bass        | Cunningham | Lewis        | Rogers       | Wade         |
| Becker      | Evans      | Maier        | Santee       | Wadsworth    |
| Bedell      | Fish       | Matthews C R | Schoeneck    | West         |
| Beebe       | Foster     | Mead         | Scovill      | Wemple       |
| Bisland     | Gates      | Merritt      | Sheldon      | Whitney F G  |
| Brooks      | Grattan    | Monroe       | Shuttleworth | Whitney G H  |
| Burnett     | Gray       | Moreland     | Slocum       | Wilsnack     |
| Cadin       | Hammond    | Newton       | Smith A P    | Wilson       |
| Callahan    | Hanford    | Ogden        | Smith J E    | Wood F C     |
| Carrier     | Hapeman    | Parker       | Smith J T    | Wood F X     |
| Charles E E | Hooker     | Patton       | Steele       | Yale         |
| Charles W B | Hooper     | Phillips     | Stevens      | Speaker      |
| Coon        | Hubbs      | Plank        | Tenjust      |              |



A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1531 (Int. No. 1023), entitled "An act to amend the Tax Law in relation to the taxation of debts secured by mortgages."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this third [L. s.] day of May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Cahn moved to amend said bill as follows:

Page 4, line 11, strike out the word "or," and after the word "educational" insert the words "or fraternal."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Debate was had thereon, when

Mr. Wade moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

On motion of Mr. Wade, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 88

NOES 61

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Allen F E   | Cowan      | Hubbs        | Plank        | Tenjost      |
| Allen J G   | Cox        | Hurd         | Platt        | Thompson G F |
| Apgar       | Cunningham | Knapp        | Pratt        | Thonet       |
| Bass        | Dowling    | La Rue       | Rogers       | Waddell      |
| Becker      | Evans      | Leggett      | Santee       | Wade         |
| Bedell      | Fish       | Lewis        | Schoeneck    | Wadsworth    |
| Beebe       | Foster     | Maier        | Seovill      | West         |
| Bisland     | Freidel    | Matthews C R | Sheldon      | Wemple       |
| Brady       | Gardner    | Mead         | Shuttleworth | Whitney F G  |
| Brooks      | Gates      | Merritt      | Slocum       | Whitney G H  |
| Burnett     | Grattan    | Monroe       | Smith A P    | Wilsnack     |
| Cadin       | Gray       | Moreland     | Smith J E    | Wilson       |
| Callahan    | Hammond    | Newton       | Smith J T    | Wood F C     |
| Carrier     | Hanford    | Ogden        | Standart     | Wood F X     |
| Charles E E | Hapeman    | O'Neill      | Stanley      | Yale         |
| Charles W B | Hastings   | Parker       | Steele       | Young        |
| Coon        | Hooker     | Patton       | Stevens      | Speaker      |
| Coutant     | Hooper     | Phillips     |              |              |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Agnew     | Donovan    | Hornidge    | Pendry     | Sheehy       |
| Anderson  | Ellis      | Kavanaugh   | Perry      | Sherry       |
| Beihliff  | Etzel      | La Fetra    | Prentice   | Smith A E    |
| Bird      | Everett    | Machacek    | Prince     | Smith R H    |
| Burns     | Fitzsimons | Malloy      | Quinn      | Sullivan     |
| Burzynski | Foelker    | Mathews T F | Reeve      | Thompson J A |
| Byrne     | Francisco  | McKeown     | Reilly     | Tompkins     |
| Cahn      | Fuller     | McManus     | Rigby      | Wagner       |
| Caughlan  | Grady      | Miller      | Rosenstein | Wainwright   |
| Cooke     | Gurnett    | Murphy      | Salomon    | Wedemeyer    |
| Cotton    | Hackett    | Nugent      | Sammon     | Wiegand      |
| Dale      | Hartman    | Palmer      | Shanahan   | Wolf         |
| Dodd      |            |             |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2363) entitled "An act to amend the Tax Law in relation to the taxation of debts secured by mortgages." (Int. No. 1585.)

On motion of Mr. Wade, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 12) entitled "An act to provide for the construction of a lift or hoist bridge over the Erie canal on Seneca street, in the city of Utica, and making an appropriation therefor, and authorizing

the city of Utica to raise money for the construction thereof." (Int. No. 12.)

On motion of Mr. Gates, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were :

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hastings     | Perry        | Smith R H    |
| Allen F E   | Cunningham | Hooker       | Phillips     | Standart     |
| Allen J G   | Dale       | Hornidge     | Plank        | Stanley      |
| Anderson    | Dodd       | Hubbs        | Platt        | Steele       |
| Apgar       | Donovan    | Hurd         | Pratt        | Stevens      |
| Bass        | Ellis      | Kavanaugh    | Prentice     | Tenjust      |
| Becker      | Etzel      | La Fetra     | Prince       | Thompson G F |
| Beebe       | Evans      | La Rue       | Quinn        | Thonet       |
| Beihilf     | Everett    | Lewis        | Reeve        | Tompkins     |
| Bird        | Fish       | Maier        | Reilly       | Waddell      |
| Bisland     | Foelker    | Malloy       | Rigby        | Wagner       |
| Brady       | Foster     | Mathews T F  | Rogers       | Wadsworth    |
| Brooks      | Francisco  | Matthews C R | Rosenstein   | Wainwright   |
| Burnett     | Freidel    | McKeown      | Salomon      | Wedemeyer    |
| Burns       | Fuller     | McManus      | Santee       | West         |
| Burzynski   | Gardner    | Mead         | Schoeneck    | Wemple       |
| Byrne       | Gates      | Miller       | Scovill      | Whitney F G  |
| Cadin       | Grady      | Monroe       | Shanahan     | Wiegand      |
| Cahn        | Grattan    | Murphy       | Sheehy       | Wilsnack     |
| Carrier     | Gray       | Newton       | Sheldon      | Wilson       |
| Caughlan    | Gurnett    | Ogden        | Shuttleworth | Wolf         |
| Charles E E | Hackett    | O'Neill      | Slocum       | Wood F C     |
| Charles W B | Hammond    | Palmer       | Smith A P    | Wood F X     |
| Cooke       | Hanford    | Parker       | Smith A E    | Yale         |
| Coon        | Hapeman    | Patton       | Smith J E    | Young        |
| Cotton      | Hartman    | Pendry       | Smith J T    |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1817) entitled "An act to appropriate money for the building of an elevated footbridge over the Champlain canal in the town of Waterford." (Int. No. 1350.)

On motion of Mr. G. H. Whitney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Parker       | Smith J T    |
| Allen F E   | Cunningham | Hooper       | Patton       | Smith R H    |
| Allen J G   | Dale       | Hornidge     | Pendry       | Standart     |
| Anderson    | Dodd       | Hubbs        | Perry        | Stanley      |
| Bass        | Dowling    | Hurd         | Plank        | Stevens      |
| Becker      | Ellis      | Kavanaugh    | Platt        | Sullivan     |
| Beebe       | Evans      | Knapp        | Pratt        | Thompson G F |
| Beihlf      | Everett    | La Fetra     | Prentice     | Thompson J A |
| Bird        | Fish       | La Rue       | Quinn        | Thonet       |
| Brady       | Fitzsimons | Leggett      | Reeve        | Waddell      |
| Brooks      | Foelker    | Lewis        | Reilly       | Wade         |
| Burns       | Foster     | Machacek     | Rigby        | Wagner       |
| Burzynski   | Francisco  | Maier        | Rosenstein   | Wadsworth    |
| Byrne       | Freidel    | Malloy       | Salomon      | Wainwright   |
| Cadin       | Fuller     | Mathews T F  | Santee       | West         |
| Cahn        | Gurnett    | Matthews C R | Schoeneck    | Whitney F G  |
| Callahan    | Grady      | McKeown      | Scovill      | Whitney G H  |
| Carrier     | Grattan    | McManus      | Shanahan     | Wiegand      |
| Caughlan    | Gurnett    | Merritt      | Sheldon      | Wilsnack     |
| Charles E E | Hackett    | Miller       | Sherry       | Wilson       |
| Charles W B | Hammond    | Moreland     | Shuttleworth | Wood F C     |
| Coon        | Hanford    | Murphy       | Slocum       | Wood F X     |
| Cotton      | Hapeman    | Ogden        | Smith A E    | Yale         |
| Coutant     | Hartman    | Palmer       | Smith J E    | Young        |
| Cowan       |            |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 97) entitled "An act for the preservation of the building known as the Billop House, in the county of Richmond, and to authorize the acquisition of title thereto and to lands adjacent to the same for historical purposes." (Int. No. 97.)

On motion of Mr. Wedemeyer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooker       | Pendry       | Standart     |
| Allen F E   | Cox        | Hooper       | Perry        | Stanley      |
| Allen J G   | Cunningham | Hornidge     | Plank        | Steele       |
| Anderson    | Dale       | Hubbs        | Platt        | Stevens      |
| Apgar       | Dodd       | Hurd         | Pratt        | Tenjost      |
| Bass        | Dowling    | Kavanaugh    | Prentice     | Thompson G F |
| Becker      | Ellis      | La Fetra     | Prince       | Thompson J A |
| Bedell      | Etzel      | La Rue       | Quinn        | Thonet       |
| Beihilf     | Everett    | Leggett      | Reeve        | Tompkins     |
| Bird        | Fish       | Lewis        | Reilly       | Waddell      |
| Bisland     | Fitzsimons | Machacek     | Rigby        | Wade         |
| Brady       | Foelker    | Malloy       | Rogers       | Wagner       |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wadsworth    |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wainwright   |
| Burns       | Freidel    | McKeown      | Sammon       | Wedemeyer    |
| Burzynski   | Gardner    | McManus      | Santee       | West         |
| Byrne       | Gates      | Mead         | Scovill      | Wemple       |
| Cadin       | Grady      | Miller       | Shanahan     | Whitney G H  |
| Cahn        | Grattan    | Monroe       | Sheehy       | Wiegand      |
| Callahan    | Gray       | Moreland     | Sheldon      | Wilsnack     |
| Carrier     | Gurnett    | Newton       | Sherry       | Wilson       |
| Caughlan    | Hackett    | Nugent       | Shuttleworth | Wolf         |
| Charles E E | Hammond    | O'Neill      | Slocum       | Wood F C     |
| Charles W B | Hapeman    | Palmer       | Smith A E    | Wood F X     |
| Cooke       | Hartman    | Parker       | Smith J E    | Yale         |
| Coon        | Hastings   | Patton       | Smith J T    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 252) entitled "An act for the preservation of 'Andre's prison' at Tappan, and making an appropriation therefor." (Int. No. 252.)

On motion of Mr. Hurd, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed



and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Parker       | Smith A E    |
| Allen F E   | Cowan      | Hastings     | Patton       | Smith J T    |
| Allen J G   | Cox        | Hooker       | Pendry       | Smith R H    |
| Anderson    | Cunningham | Hooper       | Perry        | Standart     |
| Apgar       | Dale       | Hornidge     | Phillips     | Stanley      |
| Bass        | Dodd       | Hubbs        | Plank        | Steele       |
| Becker      | Dowling    | Kavanaugh    | Platt        | Stevens      |
| Bedell      | Ellis      | Knapp        | Pratt        | Thompson G F |
| Beebe       | Etzel      | La Fetra     | Prentice     | Thompson J A |
| Beihilf     | Evans      | La Rue       | Prince       | Thonet       |
| Bird        | Everett    | Leggett      | Quinn        | Tompkins     |
| Bisland     | Fish       | Maier        | Reeve        | Waddell      |
| Brady       | Fitzsimons | Machacek     | Reilly       | Wade         |
| Brooks      | Foelker    | Maier        | Rigby        | Wadsworth    |
| Burnett     | Foster     | Malloy       | Rogers       | Wainwright   |
| Burns       | Francisco  | Mathews T F  | Rosenstein   | West         |
| Burzynski   | Freidel    | Matthews C R | Salomon      | Wemple       |
| Byrne       | Fuller     | McKeown      | Sammon       | Whitney F G  |
| Cadin       | Gardner    | McManus      | Santee       | Whitney G H  |
| Cahn        | Gates      | Mead         | Schoeneck    | Wiegand      |
| Callahan    | Grady      | Merritt      | Scovill      | Wilsnack     |
| Carrier     | Grattan    | Monroe       | Shanahan     | Wilson       |
| Caughlan    | Gray       | Moreland     | Sheehy       | Wolf         |
| Charles E E | Hackett    | Newton       | Sherry       | Wood F C     |
| Charles W B | Hammond    | Ogden        | Shuttleworth | Wood F X     |
| Cooke       | Hanford    | O'Neill      | Slocum       | Yale         |
| Coon        | Hapeman    | Palmer       | Smith A P    | Young        |
| Cotton      |            |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2320) entitled "An act to amend the Greater New York charter, with relation to the appointment of firemen." (Int. No. 1568.)

On motion of Mr. Beihilf, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hastings     | Perry        | Smith J T    |
| Allen F E   | Cowan      | Hooker       | Phillips     | Smith R H    |
| Allen J G   | Dale       | Hornidge     | Plank        | Stanley      |
| Anderson    | Donovan    | Hubbs        | Platt        | Steele       |
| Apgar       | Dowling    | Hurd         | Pratt        | Stevens      |
| Bass        | Ellis      | Knapp        | Prentice     | Sullivan     |
| Becker      | Etzel      | La Fetra     | Quinn        | Tenjest      |
| Bedell      | Evans      | La Rue       | Reeve        | Thompson G F |
| Beebe       | Everett    | Leggett      | Reilly       | Thompson J A |
| Beihilf     | Fish       | Machacek     | Rigby        | Thonet       |
| Bird        | Fitzsimons | Maier        | Rogers       | Waddell      |
| Bisland     | Foelker    | Malloy       | Rosenstein   | Wade         |
| Brady       | Foster     | Mathews T F  | Salomon      | Wagner       |
| Brooks      | Francisco  | Matthews C R | Sammon       | Wadsworth    |
| Burnett     | Freidel    | McKeown      | Santee       | Wainwright   |
| Burns       | Fuller     | McManus      | Rosenstein   | West         |
| Burzynski   | Gardner    | Merritt      | Scovill      | Wemple       |
| Byrne       | Gates      | Miller       | Shanahan     | Whitney F G  |
| Cadin       | Grady      | Monroe       | Sheehy       | Whitney G H  |
| Cahn        | Grattan    | Moreland     | Sheldon      | Wilsnack     |
| Callahan    | Gray       | Newton       | Sherry       | Wilson       |
| Carrier     | Gurnett    | Nugent       | Shuttleworth | Wolf         |
| Caughlan    | Hackett    | Ogden        | Slocum       | Wood F C     |
| Charles E E | Hammond    | O'Neill      | Smith A P    | Wood F X     |
| Cooke       | Hanford    | Parker       | Smith A E    | Yale         |
| Coon        | Hapeman    | Patton       | Smith J E    | Young        |
| Cotton      | Hartman    | Pendry       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2236) entitled "An act to amend section 50 of the Greater New York charter, relative to the use of streets, processions, etc." (Int. No. 1539.)

On motion of Mr. Wedemeyer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooker       | Pendry       | Standart     |
| Allen F E   | Cowan      | Hooper       | Perry        | Stanley      |
| Allen J G   | Cox        | Hornidge     | Phillips     | Steele       |
| Anderson    | Cunningham | Hubbs        | Plank        | Stevens      |
| Apgar       | Dale       | Hurd         | Platt        | Sullivan     |
| Bass        | Dodd       | Kavanaugh    | Pratt        | Tenjest      |
| Becker      | Donovan    | La Fetra     | Prentice     | Thompson G F |
| Bedell      | Dowling    | La Rue       | Prince       | Thompson J A |
| Beebe       | Ellis      | Leggett      | Quinn        | Thonet       |
| Beihlf      | Etzel      | Lewis        | Reeve        | Tompkins     |
| Bird        | Evans      | Maier        | Reilly       | Waddell      |
| Bisland     | Everett    | Malloy       | Rigby        | Wade         |
| Brady       | Fish       | Mathews T F  | Rosenstein   | Wagner       |
| Brooks      | Foelker    | Matthews C R | Salomon      | Wadsworth    |
| Burnett     | Foster     | McKeown      | Sammon       | Wainwright   |
| Burns       | Francisco  | McManus      | Santee       | West         |
| Burzynski   | Fuller     | Merritt      | Schoeneck    | Wemple       |
| Byrne       | Gardner    | Miller       | Scovill      | Whitney F G  |
| Cadin       | Gates      | Monroe       | Shanahan     | Whitney G H  |
| Cahn        | Grattan    | Moreland     | Sheehy       | Wiegand      |
| Callahan    | Gray       | Murphy       | Sheldon      | Wilsnack     |
| Carrier     | Gurnett    | Nugent       | Shuttleworth | Wilson       |
| Caughlan    | Hackett    | Ogden        | Slocum       | Wolf         |
| Charles E E | Hammond    | O'Neill      | Smith A P    | Wood F C     |
| Charles W B | Hanford    | Palmer       | Smith A E    | Wood F X     |
| Cooke       | Hapeman    | Parker       | Smith J E    | Yale         |
| Coon        | Hartman    | Patton       | Smith J T    | Young        |
| Cotton      | Hastings   |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1505) entitled "An act to amend chapter 591 of the Laws of 1904, entitled 'An act prescribing method for acquiring land and water for State fish hatchery purposes,' in relation to securing fish eggs." (Rec. No. 492.)

On motion of Mr. Reeve, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Phillips     | Standart     |
| Allen F E   | Cunningham | Hooper       | Plank        | Stanley      |
| Allen J G   | Dale       | Hornidge     | Platt        | Steele       |
| Anderson    | Dodd       | Hubbs        | Pratt        | Stevens      |
| Apgar       | Donovan    | Hurd         | Prentice     | Sullivan     |
| Bass        | Dowling    | Kavanaugh    | Prince       | Tenjest      |
| Becker      | Ellis      | Knapp        | Quinn        | Thompson G F |
| Bedell      | Etzel      | La Fetra     | Reeve        | Thompson J A |
| Beebe       | Evans      | La Rue       | Reilly       | Thonet       |
| Beihilf     | Everett    | Leggett      | Rigby        | Tompkins     |
| Bird        | Fish       | Machacek     | Rogers       | Waddell      |
| Bisland     | Fitzsimons | Maier        | Rosenstein   | Wade         |
| Brady       | Foelker    | Malloy       | Salomon      | Wagner       |
| Brooks      | Foster     | Mathews T F  | Sammon       | Wadsworth    |
| Burnett     | Francisco  | Matthews C R | Santee       | Wainwright   |
| Burns       | Freidel    | McKeown      | Schoeneck    | Wedemeyer    |
| Burzynski   | Fuller     | McManus      | Scovill      | West         |
| Byrne       | Gardner    | Merritt      | Shanahan     | Wemple       |
| Cadin       | Gates      | Miller       | Sheehy       | Whitney F G  |
| Cahn        | Grady      | Monroe       | Sheldon      | Whitney G H  |
| Callahan    | Grattan    | Moreland     | Sherry       | Wiegand      |
| Carrier     | Gray       | Murphy       | Shuttleworth | Wilsnack     |
| Caughlan    | Gurnett    | Nugent       | Slocum       | Wilson       |
| Charles E E | Hackett    | O'Neill      | Smith A P    | Wolf         |
| Charles W B | Hammond    | Palmer       | Smith A E    | Wood F C     |
| Coon        | Hanford    | Parker       | Smith J E    | Wood F X     |
| Cotton      | Hapeman    | Patton       | Smith J T    | Yale         |
| Coutant     | Hartman    | Pendry       | Smith R H    | Young        |
| Cowan       | Hastings   | Perry        |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1504) entitled "An act to amend the Labor Law relating to the protection of persons employed on buildings in cities." (Rec. No. 487.)

On motion of Mr. Fish, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cox        | Hastings     | Parker     | Smith J T    |
| Allen F E   | Cunningham | Hooker       | Patton     | Smith R H    |
| Anderson    | Dale       | Hooper       | Pendry     | Standart     |
| Apgar       | Dodd       | Hubbs        | Perry      | Steele       |
| Bass        | Dowling    | Hurd         | Phillips   | Stevens      |
| Bedell      | Ellis      | Kavanaugh    | Platt      | Sullivan     |
| Beebe       | Etzel      | Knapp        | Pratt      | Tenjost      |
| Beihlf      | Evans      | La Rue       | Prentice   | Thompson J A |
| Bird        | Everett    | Leggett      | Prince     | Thonet       |
| Bisland     | Fish       | Lewis        | Quinn      | Waldell      |
| Brady       | Fitzsimons | Machacek     | Reeve      | Wade         |
| Burnett     | Foelker    | Malloy       | Rigby      | Wadsworth    |
| Burns       | Foster     | Mathews T F  | Rogers     | Wainwright   |
| Byrne       | Francisco  | Matthews C R | Rosenstein | Wedemeyer    |
| Cadin       | Freidel    | McKeown      | Salomon    | West         |
| Cahn        | Gardner    | McManus      | Sammon     | Wemple       |
| Carrier     | Gates      | Mead         | Santee     | Whitney F G  |
| Caughlan    | Grady      | Miller       | Schoeneck  | Whitney G H  |
| Charles E E | Grattan    | Monroe       | Shanahan   | Wiegand      |
| Charles W B | Gray       | Moreland     | Sheehy     | Wilson       |
| Cooke       | Gurnett    | Murphy       | Sheldon    | Wolf         |
| Coon        | Hammond    | Newton       | Sherry     | Wood F C     |
| Cotton      | Hanford    | Ogden        | Slocum     | Wood F X     |
| Coutant     | Hapeman    | O'Neill      | Smith A P  | Yale         |
| Cowan       | Hartman    | Palmer       | Smith J E  | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1463) entitled "An act to legalize the acts of James C. McCormick." (Rec. No. 471.)

On motion of Mr. La Rue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Perry        | Steele       |
| Allen F E   | Cunningham | Hastings     | Phillips     | Stevens      |
| Allen J G   | Dale       | Hooper       | Plank        | Sullivan     |
| Anderson    | Dodd       | Hornidge     | Platt        | Tenjost      |
| Apgar       | Donovan    | Hubbs        | Pratt        | Thompson G F |
| Becker      | Dowling    | Hurd         | Prentice     | Thompson J A |
| Bedell      | Ellis      | Kavanaugh    | Prince       | Thonet       |
| Beebe       | Etzel      | Knapp        | Quinn        | Tompkins     |
| Beihilf     | Evans      | La Rue       | Reeve        | Waddell      |
| Bird        | Everett    | Leggett      | Reilly       | Wade         |
| Brady       | Fish       | Machacek     | Rogers       | Wagner       |
| Brooks      | Fitzsimons | Maier        | Rosenstein   | Wadsworth    |
| Burnett     | Foelker    | Malloy       | Salomon      | Wainwright   |
| Burns       | Foster     | Matthews C R | Santee       | Wedemeyer    |
| Burzynski   | Francisco  | McKeown      | Schoeneck    | West         |
| Byrne       | Freidel    | McManus      | Scovill      | Wemple       |
| Cadin       | Fuller     | Mead         | Shanahan     | Whitney F G  |
| Cahn        | Gardner    | Miller       | Sheehy       | Whitney G H  |
| Callahan    | Gates      | Monroe       | Sheldon      | Wiegand      |
| Carrier     | Grady      | Murphy       | Shuttleworth | Wilsnack     |
| Caughlan    | Grattan    | Nugent       | Slocum       | Wilson       |
| Charles E E | Gray       | Ogden        | Smith A P    | Wolf         |
| Charles W B | Gurnett    | Palmer       | Smith A E    | Wood F C     |
| Cooke       | Hammond    | Parker       | Smith J E    | Wood F X     |
| Coon        | Hamford    | Patton       | Smith R H    | Yale         |
| Cotton      | Hapeman    | Pendry       | Standart     | Young        |
| Coutant     |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1496) entitled "An act to amend the Agricultural Law, relative to the promotion and encouragement of sugar beet culture." (Rec. No. 489.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 4

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hornidge     | Phillips     | Smith R H    |
| Allen F E   | Dale       | Hubbs        | Plank        | Standart     |
| Allen J G   | Dodd       | Hurd         | Platt        | Stanley      |
| Anderson    | Donovan    | Knapp        | Pratt        | Steele       |
| Bass        | Dowling    | La Fetra     | Prentice     | Stevens      |
| Becker      | Etzel      | Leggett      | Prince       | Sullivan     |
| Bedell      | Evans      | Lewis        | Quinn        | Tenjost      |
| Beebe       | Everett    | Maier        | Reeve        | Thompson G F |
| Beihilf     | Fish       | Malloy       | Reilly       | Thompson J A |
| Bird        | Fitzsimons | Mathews T F  | Rigby        | Thonet       |
| Bisland     | Foelker    | Matthews C R | Rogers       | Waddell      |
| Brooks      | Foster     | McKeown      | Rosenstein   | Wade         |
| Burnett     | Francisco  | McManus      | Salomon      | Wagner       |
| Burns       | Freidel    | Mead         | Sammon       | Wainwright   |
| Burzynski   | Gates      | Merritt      | Santee       | Wedemeyer    |
| Byrne       | Grady      | Monroe       | Schoeneck    | Wemple       |
| Cadin       | Grattan    | Moreland     | Shanahan     | Whitney F G  |
| Cahn        | Gray       | Murphy       | Sheehy       | Whitney G H  |
| Callahan    | Gurnett    | Newton       | Sheldon      | Wiegand      |
| Carrier     | Hackett    | Nugent       | Sherry       | Wilsnack     |
| Caughlan    | Hanford    | Ogden        | Shuttleworth | Wilson       |
| Charles E E | Hapeman    | O'Neill      | Slocum       | Wolf         |
| Charles W B | Hartman    | Parker       | Smith A P    | Wood F C     |
| Cooke       | Hastings   | Patton       | Smith A E    | Wood F X     |
| Cotton      | Hooker     | Pendry       | Smith J E    | Yale         |
| Coutant     | Hooper     | Perry        | Smith J T    | Young        |
| Cowan       |            |              |              |              |

Those who voted in the negative were:

|        |        |          |           |
|--------|--------|----------|-----------|
| Fuller | Palmer | Tompkins | Wadsworth |
|--------|--------|----------|-----------|

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1279) entitled "An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class.'" (Rec. No. 483.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hastings     | Pendry       | Smith J T    |
| Allen F E   | Cowan      | Hooper       | Perry        | Smith R H    |
| Allen J G   | Cox        | Hornidge     | Phillips     | Standart     |
| Anderson    | Cunningham | Hubbs        | Plank        | Steele       |
| Apgar       | Dale       | Hurd         | Platt        | Stevens      |
| Bass        | Dodd       | Knapp        | Pratt        | Sullivan     |
| Becker      | Donovan    | La Fetra     | Prentice     | Tenjost      |
| Bedell      | Dowling    | La Rue       | Prince       | Thompson G F |
| Beihlf      | Ellis      | Lewis        | Quinn        | Thompson J A |
| Bird        | Etzel      | Machacek     | Reeve        | Thonet       |
| Bisland     | Evans      | Malloy       | Reilly       | Tompkins     |
| Brady       | Everett    | Mathews T F  | Rigby        | Wade         |
| Brooks      | Fish       | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Foelker    | McKeown      | Salomon      | Wainwright   |
| Burns       | Foster     | McManus      | Sammon       | West         |
| Burzynski   | Francisco  | Merritt      | Santee       | Wemple       |
| Byrne       | Freidel    | Miller       | Schoeneck    | Whitney F G  |
| Cadin       | Fulfer     | Monroe       | Scovill      | Whitney G H  |
| Cahn        | Gardner    | Murphy       | Sheehy       | Wiegand      |
| Callahan    | Grady      | Newton       | Sheldon      | Wilsnack     |
| Carrier     | Gray       | Nugent       | Sherry       | Wolf         |
| Caughlan    | Gurnett    | Ogden        | Shuttleworth | Wood F C     |
| Charles E E | Hackett    | O'Neill      | Smith A P    | Wood F X     |
| Cooke       | Hanford    | Palmer       | Smith A E    | Yale         |
| Coon        | Hapeman    | Patton       | Smith J E    | Young        |
| Cotton      | Hartman    |              |              |              |

In the negative:

Gates

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1468) entitled "An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims and the duties of the Attorney-General and Superintendent of Public Works, in respect to claims submitted to such court." (Rec. No. 474.)

On motion of Mr. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hartman      | Patton       | Smith R H    |
| Allen F E   | Coutant    | Hastings     | Pendry       | Standart     |
| Allen J G   | Cowan      | Hooker       | Perry        | Stanley      |
| Anderson    | Cunningham | Hornidge     | Phillips     | Steele       |
| Apgar       | Dale       | Hubbs        | Platt        | Stevens      |
| Bass        | Dodd       | Hurd         | Pratt        | Sullivan     |
| Becker      | Donovan    | Kavanaugh    | Prentice     | Tenjost      |
| Bedell      | Dowling    | Knapp        | Prince       | Thompson G F |
| Beebe       | Etzel      | La Rue       | Quinn        | Thompson J A |
| Beihlf      | Evans      | Leggett      | Reeve        | Thonet       |
| Bird        | Everett    | Lewis        | Reilly       | Waddell      |
| Bisland     | Fish       | Machacek     | Rigby        | Wade         |
| Brady       | Fitzsimons | Maier        | Rogers       | Wagner       |
| Brooks      | Foelker    | Malloy       | Rosenstein   | Wadsworth    |
| Burnett     | Foster     | Mathews T F  | Salomon      | Wainwright   |
| Burns       | Francisco  | Matthews C R | Santee       | West         |
| Burzynski   | Freidel    | McKeown      | Schoeneck    | Wemple       |
| Byrne       | Fuller     | McManus      | Scovill      | Whitney F C  |
| Cadin       | Gardner    | Mead         | Shanahan     | Wiegand      |
| Cahn        | Gates      | Miller       | Sheldon      | Wilsnack     |
| Callahan    | Grady      | Monroe       | Sheehy       | Wilson       |
| Carrier     | Grattan    | Moreland     | Shuttleworth | Wolf         |
| Caughlan    | Gray       | Newton       | Slocum       | Wood F C     |
| Charles E E | Gurnett    | Nugent       | Smith A P    | Wood F X     |
| Charles W B | Hackett    | Ogden        | Smith A E    | Yale         |
| Cooke       | Hammond    | O'Neill      | Smith J E    | Young        |
| Coon        | Hanford    | Parker       |              |              |

In the negative:

La Petra

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1499) entitled "An act to amend the Insurance Law in relation to jurisdiction of superintendent over foreign corporations." (Rec. No. 486.)

On motion of Mr. Tompkins, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 10

Those who voted in the affirmative were:

|            |           |              |              |              |
|------------|-----------|--------------|--------------|--------------|
| Allen J G  | Foster    | La Rue       | Pratt        | Steele       |
| Anderson   | Freidel   | Leggett      | Prentice     | Sullivan     |
| Apgar      | Fuller    | Lewis        | Prince       | Tenjest      |
| Bass       | Gardner   | Maier        | Quinn        | Thompson G F |
| Becker     | Gates     | Malloy       | Reeve        | Thompson J A |
| Bedell     | Grady     | Mathews T F  | Reilly       | Thonet       |
| Beebe      | Grattan   | Matthews C R | Rosenstein   | Tompkins     |
| Beihilf    | Gray      | McKeown      | Salomon      | Waddell      |
| Bisland    | Gurnett   | McManus      | Santee       | Wade         |
| Brady      | Hackett   | Merritt      | Schoeneck    | Wagner       |
| Brooks     | Hammond   | Miller       | Scovill      | Wadsworth    |
| Burns      | Hanford   | Newton       | Shanahan     | West         |
| Cadin      | Hapeman   | Nugent       | Sheehy       | Whitney F G  |
| Callahan   | Hartman   | Ogden        | Sheldon      | Whitney G H  |
| Caughlan   | Hastings  | Palmer       | Sherry       | Wilsnack     |
| Coon       | Hooker    | Patton       | Shuttleworth | Wilson       |
| Cotton     | Hornidge  | Pendry       | Smith A P    | Wolf         |
| Ellis      | Hubbs     | Perry        | Smith A E    | Wood F X     |
| Everett    | Hurd      | Phillips     | Smith J E    | Yale         |
| Fish       | Kavanaugh | Plank        | Smith R H    | Young        |
| Fitzsimons | La Fetra  | Platt        | Stanley      |              |

Those who voted in the negative were:

|             |            |          |           |            |
|-------------|------------|----------|-----------|------------|
| Agnew       | Cunningham | Machacek | Rogers    | Standart   |
| Charles W B | Hooper     | Palmer   | Smith J T | Wainwright |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1483) entitled "An act to amend the Greater New York charter, in relation to promotions in the police department." (Rec. No. 484.)



On motion of Mr. Foelker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 60

NOES 44

Those who voted in the affirmative were:

|             |          |              |              |              |
|-------------|----------|--------------|--------------|--------------|
| Allen J G   | Evans    | Hubbs        | Phillips     | Smith J T    |
| Anderson    | Foelker  | Hurd         | Platt        | Stevens      |
| Apgar       | Gates    | Knapp        | Rigby        | Tenjost      |
| Bedell      | Grattan  | Leggett      | Rogers       | Thompson J A |
| Burnett     | Gray     | Lewis        | Scovill      | Thonet       |
| Cadin       | Hammond  | Maier        | Shanahan     | Wade         |
| Carrier     | Hanford  | Matthews C R | Sheldon      | Wainwright   |
| Charles E E | Hapeman  | Merritt      | Shuttleworth | Whitney G H  |
| Coon        | Hastings | Murphy       | Slocum       | Wilsnack     |
| Cotton      | Hooker   | O'Neill      | Smith A P    | Wood F X     |
| Cox         | Hooper   | Patton       | Smith A E    | Yale         |
| Dowling     | Hornidge | Perry        | Smith J E    | Young        |

Those who voted in the negative were:

|           |            |             |            |           |
|-----------|------------|-------------|------------|-----------|
| Agnew     | Cunningham | Hackett     | Plank      | Sheehy    |
| Allen F E | Dodd       | Hartman     | Prentice   | Sherry    |
| Bass      | Donovan    | La Rue      | Prince     | Standart  |
| Becker    | Ellis      | Malloy      | Quinn      | Stanley   |
| Beebe     | Everett    | Mathews T F | Reeve      | Steele    |
| Beihlf    | Foster     | McManus     | Rosenstein | Wedemeyer |
| Brooks    | Fuller     | Newton      | Salomon    | West      |
| Cahn      | Gardner    | Palmer      | Sammon     | Wiegand   |
| Cowan     | Grady      | Pendry      | Schoeneck  |           |

Mr. Foelker moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1464) entitled "An act to amend subdivision 2 of section 24 of chapter 112 of the Laws of 1896, the Liquor Tax Law, as amended by chapter 312 of the Laws of 1897 and as amended

by chapter 485 of the Laws of 1904, relating to places in which the traffic in liquor shall not be permitted." (Rec. No. 491.)

On motion of Mr. Prentice, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1000) entitled "An act to amend section 53 of chapter 565 of the Laws of 1895, as amended by chapter 199, Laws of 1898, and by chapter 289, Laws of 1899, and by chapter 271, Laws of 1902, and by chapter 595, Laws of 1904, relative to the annual tax levy in the city of Little Falls." (Rec. No. 479.)

On motion of Mr. Steele, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the Senate bill (No. 1366) entitled "An act to suspend the limitation of time for the completion and operation of railroads heretofore sold under foreclosure and for the relief of the same." (Rec. No. 490.)

Said bill having been announced for a second reading,

Mr. Tompkins moved to amend as follows:

Strike out all of section 2, beginning with line 25, page 2, and ending with the word "authorities," line 17, page 3.

On motion of Mr. Wainwright, and by unanimous consent, said bill, with pending amendments, was ordered placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1466) entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof, in relation to meetings of board of trustees, a board of street commissioners, a board of water commissioners, the office of treasurer and collector, compensation of assessors, and assessments." (Rec. No. 477.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hubbs        | Perry        | Standart     |
| Allen F E   | Dale       | Hurd         | Phillips     | Stanley      |
| Allen J G   | Dodd       | Kavanaugh    | Plank        | Steele       |
| Anderson    | Donovan    | Knapp        | Platt        | Stevens      |
| Apgar       | Dowling    | La Fetra     | Pratt        | Tenjost      |
| Bass        | Ellis      | La Rue       | Prentice     | Thompson G F |
| Becker      | Etzel      | Leggett      | Prince       | Thompson J A |
| Beebe       | Evans      | Lewis        | Quinn        | Thonet       |
| Beihliff    | Fish       | Machacek     | Reeve        | Tompkins     |
| Bird        | Fitzsimons | Maier        | Rigby        | Wade         |
| Bisland     | Foster     | Malloy       | Rogers       | Wagner       |
| Brady       | Francisco  | Mathews T F  | Rosenstein   | Wadsworth    |
| Brooks      | Freidel    | Matthews C R | Salomon      | Wainwright   |
| Burns       | Gardner    | McKeown      | Sammon       | Wedemeyer    |
| Burzynski   | Gates      | McManus      | Santee       | West         |
| Byrne       | Grattan    | Mead         | Schoeneck    | Whitney F G  |
| Cadin       | Gray       | Miller       | Shanahan     | Whitney G H  |
| Callahan    | Gurnett    | Monroe       | Sheehy       | Wiegand      |
| Carrier     | Hackett    | Murphy       | Sherry       | Wilson       |
| Charles E E | Hanford    | Newton       | Shuttleworth | Wolf         |
| Charles W B | Hapeman    | Ogden        | Slocum       | Wood F C     |
| Cooke       | Hartman    | O'Neill      | Smith A P    | Wood F X     |
| Cotton      | Hastings   | Parker       | Smith A E    | Yale         |
| Coutant     | Hooker     | Patton       | Smith J E    | Young        |
| Cowan       | Hooper     | Pendry       | Smith J T    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 395) entitled "An act to amend the Banking Law in relation to examinations of banks, savings banks, trust companies, and other corporations under the supervision of the Banking Department." (Rec. No. 493.)

On motion of Mr. J. T. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Coutant    | Hastings    | Patton       | Standart     |
| Allen F E   | Cowan      | Hooper      | Pendry       | Stanley      |
| Allen J G   | Cox        | Hornidge    | Perry        | Steele       |
| Anderson    | Cunningham | Hurd        | Phillips     | Stevens      |
| Apgar       | Dale       | Knapp       | Plank        | Tenjost      |
| Bass        | Dodd       | La Fetra    | Platt        | Thompson G F |
| Becker      | Dowling    | La Rue      | Prentice     | Thompson J A |
| Bedell      | Ellis      | Leggett     | Prince       | Thonet       |
| Beihlf      | Etzel      | Lewis       | Quinn        | Tompkins     |
| Bird        | Evans      | Maier       | Reeve        | Waddell      |
| Bisland     | Everett    | Malloy      | Reilly       | Wade         |
| Brady       | Fish       | Mathews T F | Rogers       | Wagner       |
| Burnett     | Foelker    | Mathews C R | Rosenstein   | Wadsworth    |
| Burns       | Foster     | McKeown     | Salomon      | Wainwright   |
| Burzynski   | Francisco  | McManus     | Santee       | Wedemeyer    |
| Byrne       | Freidel    | Mead        | Scovill      | West         |
| Cadin       | Fuller     | Merritt     | Shanahan     | Wemple       |
| Cahn        | Gates      | Miller      | Sheehy       | Whitney F G  |
| Callahan    | Grady      | Moreland    | Sheldon      | Whitney G H  |
| Carrier     | Grattan    | Murphy      | Sherry       | Wilsnack     |
| Caughlan    | Gray       | Newton      | Shuttleworth | Wilson       |
| Charles E E | Gurnett    | Nugent      | Slocum       | Wolf         |
| Charles W B | Hackett    | O'Neill     | Smith A E    | Wood F X     |
| Cooke       | Hammond    | Palmer      | Smith J E    | Yale         |
| Coon        | Hapeman    | Parker      | Smith J T    | Young        |
| Cotton      | Hartman    |             |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the chairman of the Senate finance committee shall appoint therefrom two members, and the chairman of the Assembly ways and means committee shall appoint therefrom three members, who, together with the chairmen of said committees, the Temporary President of the



Senate and the Speaker of the Assembly, shall constitute and be a committee to investigate during the recess into the expenditures on the part of the State government in the several branches and institutions thereof, and of any institutions or societies which are the recipients of appropriations from the State treasury, for the purpose of obtaining and furnishing such information as may enable the Legislature to be hereafter convened to frame the various appropriation and supply bills, and to better determine as to the expenditures which should be made by the State, and the amount of the same; also, to inquire, so far as said committee may deem desirable or necessary, into the conduct, management and efficiency of any or all such departments, branches, institutions or societies. Said committee is authorized to employ such assistants as in its opinion may be necessary and requisite for the performance of its duties, and is also further authorized and empowered to appoint such sub-committees as it may deem necessary. Said committee and any sub-committees thereof are hereby authorized to hold sessions at such places within the State as they may deem proper. Each member of said committee shall have the power to administer oaths, and the committee and any sub-committees thereof shall have power to subpoena witnesses and take testimony, and in addition shall have all the powers of legislative committees as provided by article 3 of the Legislative Law. The expense of such committee shall be paid from the appropriation for contingent expenses of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Agnew     | Cowan      | Hooper      | Parker     | Stevens      |
| Allen F E | Cunningham | Hornidge    | Pendry     | Tenjust      |
| Allen J G | Dodd       | Hubbs       | Perry      | Thompson G F |
| Anderson  | Donovan    | Kavanaugh   | Phillips   | Thompson J A |
| Apgar     | Dowling    | La Fetra    | Plank      | Thonet       |
| Becker    | Ellis      | Leggett     | Pratt      | Tompkins     |
| Bedell    | Etzel      | Lewis       | Prentice   | Waddell      |
| Beebe     | Everett    | Maier       | Quinn      | Wade         |
| Beihliff  | Fitzsimons | Malloy      | Rigby      | Wagner       |
| Bisland   | Foelker    | Mathews T F | Rosenstein | Wadsworth    |



|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Brady       | Francisco | Matthews C R | Sammon       | Wainwright  |
| Burnett     | Fuller    | McKeown      | Santee       | West        |
| Burzynski   | Gardner   | McManus      | Scovill      | Wemple      |
| Byrne       | Gates     | Mead         | Sheehy       | Whitney F G |
| Cadin       | Grady     | Merritt      | Sherry       | Whitney G H |
| Callahan    | Grattan   | Monroe       | Shuttleworth | Wiegand     |
| Carrier     | Gray      | Moreland     | Smith A E    | Wilsnack    |
| Charles E E | Gurnett   | Murphy       | Smith J T    | Wilson      |
| Charles W B | Hammond   | Nugent       | Standart     | Wolf        |
| Cooke       | Hanford   | Ogden        | Stanley      | Wood F C    |
| Cotton      | Hartman   | Palmer       | Steele       | Wood F X    |
| Coutant     | Hastings  |              |              |             |

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Fish offered for the consideration of the House a resolution, in the words following:

Resolved, That the recommendation of the committee on the judiciary be adopted, to wit: That proceedings be taken for the removal of said Warren B. Hooker from the office of justice of the Supreme Court, in pursuance of section 11 of article 6 of the Constitution of the State of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cotton     | Hapeman      | O'Neill    | Smith A P    |
| Allen F E | Cowan      | Hartman      | Palmer     | Smith J E    |
| Allen J G | Cox        | Hastings     | Parker     | Smith J T    |
| Anderson  | Cunningham | Hooper       | Patton     | Smith R H    |
| Apgar     | Dodd       | Hornidge     | Pendry     | Stanley      |
| Bass      | Donovan    | Hubbs        | Perry      | Stevens      |
| Becker    | Dowling    | Hurd         | Phillips   | Sullivan     |
| Bedell    | Ellis      | Kavanaugh    | Plank      | Thompson G F |
| Beebe     | Etzel      | La Fetra     | Platt      | Thompson J A |
| Beihlf    | Evans      | La Rue       | Pratt      | Thonet       |
| Bird      | Everett    | Lewis        | Prentice   | Waddell      |
| Bisland   | Fish       | Machacek     | Prince     | Wade         |
| Brady     | Fitzsimons | Maier        | Quinn      | Wagner       |
| Brooks    | Foelker    | Malloy       | Reeve      | Wadsworth    |
| Burnett   | Foster     | Mathews T F  | Rigby      | Wedemeyer    |
| Burns     | Francisco  | Matthews C R | Rogers     | West         |
| Burzynski | Freidel    | McKeown      | Rosenstein | Wemple       |
| Byrne     | Fuller     | McManus      | Salomon    | Whitney G H  |
| Gardin    | Gardner    | Merritt      | Sammon     | Wiegand      |
| Cahn      | Gates      | Miller       | Schoeneck  | Wilsnack     |

|             |         |          |              |          |
|-------------|---------|----------|--------------|----------|
| Callahan    | Grady   | Monroe   | Scovill      | Wilson   |
| Carrier     | Grattan | Moreland | Shanahan     | Wolf     |
| Caughlan    | Gray    | Murphy   | Sheldon      | Wood F C |
| Charles E E | Gurnett | Newton   | Sherry       | Wood F X |
| Charles W B | Hackett | Nugent   | Shuttleworth | Yale     |
| Cooke       | Hammond | Ogden    | Slocum       | Young    |
| Coon        | Hanford |          |              |          |

Mr. Cahn offered for the consideration of the House a resolution, in the words following:

Whereas, On the 1st day of February, 1905, a resolution was duly adopted by the Assembly directing the committee on the judiciary to investigate the truth of certain accusations against Warren B. Hooker, a justice of the Supreme Court, and all matters relating thereto or connected therewith, and all other matters relating to or affecting the fitness of said Warren B. Hooker to hold the office of justice of the Supreme Court; and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion thereon, and such recommendations as the committee might make in the matter; and

Whereas, The committee on the judiciary has made and completed such investigation and has made its report to the Assembly, whereby it recommends that proceedings be taken by the Legislature in pursuance of and in accordance with the provisions of section 11 of article 6 of the Constitution of this State; and

Whereas, The said recommendation contained in said report has been duly adopted by a resolution of the Assembly,

Resolved, That a copy of the record of said proceedings, together with the report thereon and the resolution adopting the recommendation of said committee be transmitted to the Senate.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Fish offered for the consideration of the House a resolution, in the words following:

Resolved, That it be referred to the committee on the judiciary to formulate rules of procedure in the matter of the proceedings by virtue of section 11 of article 6 of the Constitution, for the removal of Warren B. Hooker, a justice of the Supreme Court, and to report the same to the Assembly; and that said committee may sit during recess at such convenient place or places

in the State as they may deem proper and employ necessary assistants.

Mr. Cahn moved to amend by adding thereto the following:

And be it further resolved, That it be referred to the judiciary committee to formulate a statement of the alleged causes to be served on Warren B. Hooker, and that the said committee report on May 5, 1905.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution as amended, and it was determined in the affirmative.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Whereas, During the current session of the Legislature, the transaction of the legislative business has been seriously embarrassed by numerous errors and delays in the printing of the legislative bills, documents, etc.; and

Whereas, Complaints have reached the Legislature from the several State departments of the unsatisfactory service rendered to them; therefore be it

Resolved (if the Senate concur), That the Clerks of the Senate and Assembly be requested to call the attention of the Printing Board to the existing condition and that said board be advised that it is the sense of this body that in future the contracts for printing be awarded only to such persons, firms or corporations as may be able to furnish satisfactory evidence of their ability, as regards both facilities and methods, to perform the public printing properly and promptly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. O'Neill offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That 10,000 copies of the Forest, Fish and Game Commissioners' report on Animals of the

Adirondacks be printed for distribution, and that 50 copies of the same be distributed to each member of the Senate and Assembly of the session of 1905.

Said resolution was read and referred to the committee on rules.

Mr. Wedemeyer offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 727, entitled "An act to amend the Code of Civil Procedure, relative to exemptions of jurors from service" (Int. No. 647), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Santee offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 1597, entitled "An act to amend the Penal Code, in relation to unauthorized advertisements for applicants for degrees or membership in any secret fraternity" (Int. No. 1242), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Coutant offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 1427, entitled "An act to amend an act entitled 'An act to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county'" (Int. No. 1140), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.



Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Maier offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 493, entitled "An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in regard to the practice of medicine" (Int. No. 463), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Foster offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 262, entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 1466, entitled "An act to amend the Code of Civil Procedure, in relation to the petition for voluntary dissolution of a corporation" (Int. No. 516), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 1353, entitled "An act to amend section 85 of chapter 568 of the Laws



of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws' (Int. No. 605), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Burnett moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

|             |           |              |              |              |
|-------------|-----------|--------------|--------------|--------------|
| Agnew       | Dodd      | Hurd         | Plank        | Stanley      |
| Allen F E   | Donovan   | La Fetra     | Platt        | Steele       |
| Allen J G   | Ellis     | La Rue       | Pratt        | Stevens      |
| Apgar       | Etsel     | Leggett      | Prentice     | Sullivan     |
| Bass        | Evans     | Lewis        | Prince       | Tenjest      |
| Becker      | Everett   | Machacek     | Reeve        | Thompson G F |
| Bedell      | Fish      | Maier        | Reilly       | Thompson J A |
| Beebe       | Foelker   | Malloy       | Rigby        | Thonet       |
| Beihlf      | Foster    | Matthews C R | Rogers       | Tompkins     |
| Bird        | Francisco | McManus      | Rosenstein   | Waddell      |
| Bisland     | Freidel   | Mead         | Salomon      | Wade         |
| Brady       | Fuller    | Merritt      | Sammon       | Wagner       |
| Brooks      | Gardner   | Miller       | Santee       | Wadsworth    |
| Burnett     | Gates     | Monroe       | Schoeneck    | Wainwright   |
| Burns       | Grady     | Moreland     | Scovill      | Wedemeyer    |
| Burzynski   | Gray      | Murphy       | Shanahan     | West         |
| Cadin       | Hackett   | Newton       | Sheehy       | Wemple       |
| Carrier     | Hammond   | Nugent       | Sheldon      | Whitney F G  |
| Caughlan    | Hanford   | Ogden        | Sherry       | Whitney G H  |
| Charles E E | Hapeman   | O'Neill      | Shuttleworth | Wiegand      |
| Charles W B | Hartman   | Palmer       | Slocum       | Wilsnack     |
| Cooke       | Hastings  | Parker       | Smith A P    | Wilson       |
| Coon        | Hooker    | Patton       | Smith A E    | Wolf         |
| Cotton      | Hooper    | Pendry       | Smith J E    | Wood F C     |
| Coutant     | Hornidge  | Perry        | Smith J T    | Wood F X     |
| Cunningham  | Hubbs     | Phillips     | Standart     | Yale         |

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Mr. Burnett moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the Senate bill (No. 1048) entitled "An act to amend sections 17, 28, 41, 43, 44, 45, 47, 48, 50, 72, 73, 74, 75 and 242 of the Greater New York charter, with respect

to the powers of the board of aldermen and the board of estimate and apportionment" (Rec. No. 280), with a message that said bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the city nor by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

## AYES 93

## NOES 51

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooper       | Phillips     | Steele       |
| Allen F E   | Cowan      | Hubbs        | Plank        | Stevens      |
| Allen J G   | Cox        | Hurd         | Platt        | Tenjust      |
| Apgar       | Cunningham | Knapp        | Pratt        | Thompson G F |
| Bass        | Etzel      | La Rue       | Reeve        | Thonet       |
| Becker      | Evans      | Leggett      | Rigby        | Waddell      |
| Bedell      | Fish       | Lewis        | Rogers       | Wade         |
| Beebe       | Foelker    | Maier        | Santee       | Wadsworth    |
| Beihlf      | Foster     | Matthews C R | Schoeneck    | Wainwright   |
| Bisland     | Freidel    | Mead         | Scovill      | West         |
| Brady       | Gardner    | Merritt      | Sheldon      | Wemple       |
| Brooks      | Gates      | Miller       | Shuttleworth | Whitney F G  |
| Burnett     | Gray       | Monroe       | Slocum       | Whitney G H  |
| Cadin       | Hammond    | Moreland     | Smith A P    | Wilsnack     |
| Callahan    | Hanford    | Murphy       | Smith J E    | Wilson       |
| Carrier     | Hapeman    | Newton       | Smith J T    | Wood F X     |
| Charles W B | Hartman    | Ogden        | Standart     | Yale         |
| Coon        | Hastings   | Parker       | Stanley      | Speaker      |
| Cotton      | Hooker     | Patton       |              |              |

Those who voted in the negative were:

|          |            |             |          |           |
|----------|------------|-------------|----------|-----------|
| Anderson | Ellis      | Machacek    | Prentice | Smith A E |
| Bird     | Everett    | Malloy      | Prince   | Smith R H |
| Burns    | Fitzsimons | Mathews T F | Quinn    | Sullivan  |

|             |           |         |            |              |
|-------------|-----------|---------|------------|--------------|
| Byrne       | Francisco | McKeown | Reilly     | Thompson J A |
| Cahn        | Fuller    | McManus | Rosenstein | Tompkins     |
| Caughlan    | Grady     | Nugent  | Salomon    | Wagner       |
| Charles E E | Hackett   | O'Neill | Sammon     | Wedemeyer    |
| Cooke       | Hornidge  | Palmer  | Shanahan   | Wiegand      |
| Dodd        | Kavanaugh | Pendry  | Sheehy     | Wolf         |
| Donovan     | La Fetra  | Perry   | Sherry     | Wood F C     |
| Dowling     |           |         |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 693, Senate reprint No. 1395) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State Prison, on or about the 16th day of February, 1903" (Int. No. 166), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1395.

Also, amend the title to read as follows: .

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James R. Angel against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Hapeman moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |          |
|-----------|------------|----------|----------|----------|
| Agnew     | Cowan      | Hastings | Pendry   | Standart |
| Allen F E | Cox        | Hooker   | Perry    | Stanley  |
| Allen J G | Cunningham | Hooper   | Phillips | Steele   |
| Anderson  | Dale       | Hornidge | Plank    | Stevens  |
| Bass      | Dodd       | Hubbs    | Platt    | Sullivan |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Becker      | Donovan    | Kavanaugh    | Pratt        | Tenjost      |
| Bedell      | Dowling    | Knapp        | Prentice     | Thompson G F |
| Beebe       | Ellis      | La Fetra     | Prince       | Thompson J A |
| Beihliff    | Etzel      | La Rue       | Quinn        | Thonet       |
| Bird        | Everett    | Leggett      | Reeve        | Waddell      |
| Bisland     | Fish       | Lewis        | Rigby        | Wade         |
| Brady       | Fitzsimons | Maier        | Rogers       | Wagner       |
| Brooks      | Foelker    | Malloy       | Rosenstein   | Wadsworth    |
| Burnett     | Foster     | Mathews T F  | Salomon      | Wainwright   |
| Burns       | Francisco  | Matthews C R | Sammon       | Wedemeyer    |
| Burzynski   | Freidel    | McKeown      | Santee       | West         |
| Cadin       | Fuller     | McManus      | Scovill      | Wemple       |
| Cahn        | Gardner    | Merritt      | Shanahan     | Whitney F G  |
| Callahan    | Gates      | Miller       | Sheehy       | Whitney G H  |
| Carrier     | Grady      | Monroe       | Sheldon      | Wiegand      |
| Caughlan    | Grattan    | Moreland     | Sherry       | Wilsnack     |
| Charles E E | Gray       | Newton       | Shuttleworth | Wilson       |
| Charles W B | Gurnett    | Nugent       | Slocum       | Wood F C     |
| Cooke       | Hackett    | O'Neill      | Smith A P    | Wood F X     |
| Coon        | Hammond    | Palmer       | Smith A E    | Yale         |
| Cotton      | Hapeman    | Parker       | Smith J T    | Young        |
| Coutant     | Hartman    | Patton       | Smith R H    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 694, Senate reprint No. 1396) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard against the State of New York for damages alleged to have been sustained by him at the Auburn State Prison, on or about the 16th day of February, 1903" (Int. No. 168), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1396.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of William Gard, against the state for damages alleged to have been sustained by him and render judgment therefor."

Mr. Hapeman moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined



in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hastings     | Perry        | Stanley      |
| Allen F E   | Cowan      | Hooker       | Phillips     | Steele       |
| Allen J G   | Cox        | Hooper       | Plank        | Stevens      |
| Anderson    | Cunningham | Hornidge     | Platt        | Sullivan     |
| Appar       | Dale       | Hubbs        | Pratt        | Tenjost      |
| Bass        | Dodd       | Kavanaugh    | Prentice     | Thompson G F |
| Becker      | Donovan    | Knapp        | Prince       | Thompson J A |
| Bedell      | Dowling    | La Fetra     | Quinn        | Thonet       |
| Beebe       | Ellis      | Leggett      | Reeve        | Tompkins     |
| Beihlf      | Etzel      | Lewis        | Reilly       | Waddell      |
| Bird        | Evans      | Machacek     | Rigby        | Wade         |
| Bisland     | Everett    | Malloy       | Rogeis       | Wagner       |
| Brady       | Fish       | Mathews T F  | Rosenstein   | Wadsworth    |
| Brooks      | Fitzsimons | Matthews C R | Salomon      | Wainwright   |
| Burnett     | Foster     | McKeown      | Sammon       | Wedemeyer    |
| Burns       | Francisco  | McManus      | Santee       | West         |
| Burzynski   | Freidel    | Merritt      | Scovill      | Wemple       |
| Byrne       | Fuller     | Miller       | Shanahan     | Whitney F G  |
| Cadin       | Gardner    | Monroe       | Sheehy       | Whitney G H  |
| Cahn        | Gates      | Murphy       | Sheldon      | Wiegand      |
| Callahan    | Grady      | Newton       | Sherry       | Wilsnack     |
| Carrier     | Grattan    | Nugent       | Shuttleworth | Wilson       |
| Caughlan    | Gray       | Ogden        | Slocum       | Wolf         |
| Charles E E | Hackett    | O'Neill      | Smith A P    | Wood F C     |
| Charles W B | Hammond    | Palmer       | Smith J E    | Wood F X     |
| Cooke       | Hanford    | Parker       | Smith J T    | Yale         |
| Coon        | Hapeman    | Patton       | Smith R H    | Young        |
| Cotton      | Hartman    | Pendry       | Standart     |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1881, Senate reprint No. 1478) entitled "An act to establish a State Water Commission, to define its powers and duties, and making an appropriation therefor" (Int. No. 976), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 13, strike out the word "of."

Page 4, line 9, strike out the word "corporation" and insert the word "corporations."

Page 6, line 14, strike out the word "and" and insert the word "an."



Same page, lines 23 and 24, strike out the words "present and future" in both places.

Page 8, line 1, strike out the word "thouand" and insert the word "Thousand."

Mr. Agnew moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hastings     | Palmer       | Smith J E    |
| Allen F E   | Cox        | Hooker       | Parker       | Smith J T    |
| Allen J G   | Cunningham | Hooper       | Patton       | Smith R H    |
| Anderson    | Dale       | Hornidge     | Pendry       | Standart     |
| Apgar       | Dodd       | Hubbs        | Perry        | Stanley      |
| Bass        | Dowling    | Hurd         | Phillips     | Steele       |
| Becker      | Ellis      | Kavanaugh    | Plank        | Stevens      |
| Bedell      | Etzel      | Knapp        | Platt        | Sullivan     |
| Beebe       | Evans      | La Petra     | Pratt        | Tenjost      |
| Beihlf      | Everett    | La Rue       | Prentice     | Thompson G F |
| Bird        | Fish       | Leggett      | Prince       | Thompson J A |
| Bisland     | Fitzsimons | Lewis        | Quinn        | Tompkins     |
| Brady       | Foelker    | Machacek     | Reeve        | Waddell      |
| Brooks      | Foster     | Maier        | Reilly       | Wade         |
| Burnett     | Francisco  | Malloy       | Rigby        | Wagner       |
| Burns       | Freidel    | Mathews T F  | Rosenstein   | Wadsworth    |
| Burzynski   | Fuller     | Matthews C R | Salomon      | Wedemeyer    |
| Byrne       | Gardner    | McKeown      | Sammon       | West         |
| Cadin       | Gates      | McManus      | Santee       | Whitney F G  |
| Cahn        | Grady      | Mead         | Schoeneck    | Whitney G H  |
| Callahan    | Grattan    | Merritt      | Scovill      | Wiegand      |
| Caughlan    | Gray       | Miller       | Shanahan     | Wilsnack     |
| Charles E E | Gurnett    | Monroe       | Sheldon      | Wilson       |
| Charles W B | Hackett    | Moreland     | Sherry       | Wolf         |
| Cooke       | Hammond    | Murphy       | Shuttleworth | Wood F C     |
| Coon        | Hanford    | Newton       | Slocum       | Wood F X     |
| Cotton      | Hapeman    | Ogden        | Smith A P    | Yale         |
| Coutant     | Hartman    | O'Neill      | Smith A E    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1571, Senate reprint No. 1410) entitled "An act to confer jurisdiction upon the Court of

Claims to hear, audit and determine the alleged claim of Henry F. Muringham, for damages alleged to have been sustained by him at the Hudson River State Hospital" (Int. No. 649), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1410.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Henry F. Muringham, against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. J. T. Smith moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hornidge     | Plank        | Stanley      |
| Allen F E   | Dodd       | Hubbs        | Platt        | Steele       |
| Anderson    | Donovan    | Hurd         | Pratt        | Stevens      |
| Apgar       | Dowling    | Kavanaugh    | Prentice     | Sullivan     |
| Bass        | Ellis      | Knapp        | Prince       | Tenlost      |
| Becker      | Etzel      | La Rue       | Quinn        | Thompson G F |
| Bedell      | Everett    | Leggett      | Reeve        | Thompson J A |
| Beebe       | Fish       | Lewis        | Reilly       | Thonet       |
| Beihilf     | Fitzsimons | Machacek     | Rigby        | Tompkins     |
| Bird        | Foelker    | Malloy       | Rogers       | Waddell      |
| Bisland     | Foster     | Mathews T F  | Rosenstein   | Wade         |
| Brady       | Francisco  | Matthews C R | Salomon      | Wagner       |
| Burnett     | Freidel    | McKeown      | Sammon       | Wadsworth    |
| Burns       | Gardner    | McManus      | Santee       | Wainwright   |
| Burzynski   | Gates      | Mead         | Schoeneck    | Wedemeyer    |
| Byrne       | Grady      | Merritt      | Scovill      | West         |
| Cahn        | Grattan    | Monroe       | Shanahan     | Wemple       |
| Callahan    | Gray       | Moreland     | Sheehy       | Whitney F G  |
| Carrier     | Gurnett    | Murphy       | Sheldon      | Whitney G H  |
| Caughlan    | Hackett    | Nugent       | Shuttleworth | Wiegand      |
| Charles E E | Hammond    | Ogden        | Slocum       | Wilsnack     |
| Charles W B | Hanford    | Palmer       | Smith A P    | Wilson       |
| Coon        | Hapeman    | Parker       | Smith A E    | Wood F C     |
| Cotton      | Hartman    | Patton       | Smith J E    | Wood F X     |
| Coutant     | Hastings   | Pendry       | Smith J T    | Yale         |
| Cowan       | Hooker     | Perry        | Smith R H    | Young        |
| Cox         | Hooper     | Phillips     | Standart     |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1570, Senate reprint No. 1412) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Auburn against the State for a local improvement consisting of the laying (and paying for the construction of) a sidewalk in front of lands in said city upon which is locate the State prison, and to render judgment therefor" (Int. No. 503), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1412.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the city of Auburn against the state for assessments for local improvements levied and assessed against the state of New York, and to render judgment therefor."

Mr. J. G. Allen moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |              |
|-----------|------------|----------|----------|--------------|
| Agnew     | Cotton     | Hanford  | Nugent   | Smith A P    |
| Allen F E | Coutant    | Hapeman  | Ogden    | Smith J E    |
| Allen J G | Cowan      | Hartman  | Palmer   | Smith J T    |
| Anderson  | Cox        | Hastings | Parker   | Smith R H    |
| Apgar     | Cunningham | Hooker   | Patton   | Stanley      |
| Bass      | Dodd       | Hooper   | Pendry   | Steele       |
| Becker    | Donovan    | Hornidge | Perry    | Stevens      |
| Bedell    | Dowling    | Hubbs    | Phillips | Sullivan     |
| Beebe     | Ellis      | Hurd     | Plank    | Tenjust      |
| Beihlf    | Etsel      | Knapp    | Platt    | Thompson J A |
| Bird      | Evans      | La Fetra | Pratt    | Thonet       |

|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Bisland     | Everett    | La Rue       | Prentice     | Tompkins    |
| Brady       | Fish       | Leggett      | Prince       | Waddell     |
| Brooks      | Fitzsimons | Lewis        | Reeve        | Wade        |
| Burnett     | Foelker    | Machacek     | Reilly       | Wagner      |
| Burns       | Foster     | Maier        | Rigby        | Wadsworth   |
| Burzynski   | Francisco  | Malloy       | Rogers       | Wedemeyer   |
| Byrne       | Freidel    | Mathews T F  | Rosenstein   | West        |
| Cadin       | Fuller     | Matthews C R | Sammon       | Whitney F G |
| Cahn        | Gardner    | McKeown      | Santee       | Whitney G H |
| Callahan    | Gates      | McManus      | Schoeneck    | Wiegand     |
| Carrier     | Grady      | Mead         | Scovill      | Wilson      |
| Caughlan    | Grattan    | Merritt      | Shanahan     | Wolf        |
| Charles E E | Gray       | Monroe       | Sheehy       | Wood F C    |
| Charles W B | Gurnett    | Moreland     | Sherry       | Wood F X    |
| Cooke       | Hackett    | Murphy       | Shuttleworth | Yale        |
| Coon        | Hammond    | Newton       | Slocum       | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1573, Senate reprint No. 1408) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claims of Guy R. Burleigh against the State for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 494), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1408.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Guy R. Burleigh against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Lewis moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 138

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hooker       | Pendry       | Smith J T    |
| Allen F E   | Dale       | Hooper       | Perry        | Smith R H    |
| Allen J G   | Dodd       | Hornidge     | Phillips     | Standart     |
| Anderson    | Donovan    | Hubbs        | Plank        | Stanley      |
| Apgar       | Dowling    | Hurd         | Platt        | Steele       |
| Bass        | Ellis      | Kavanaugh    | Pratt        | Stevens      |
| Becker      | Etzel      | La Fetra     | Prentice     | Sullivan     |
| Bedell      | Evans      | La Rue       | Prince       | Tenjost      |
| Beebe       | Everett    | Leggett      | Quinn        | Thompson J A |
| Beihlf      | Fish       | Lewis        | Reeve        | Thonet       |
| Bird        | Fitzsimons | Machacek     | Reilly       | Tompkins     |
| Bisland     | Foelker    | Maier        | Rigby        | Wade         |
| Brady       | Foster     | Malloy       | Rogers       | Wagner       |
| Brooks      | Francisco  | Mathews T F  | Rosenstein   | Wadsworth    |
| Burnett     | Freidel    | Matthews C R | Salomon      | Wainwright   |
| Burns       | Fuller     | McKeown      | Sammon       | Wedemeyer    |
| Burzynski   | Gardner    | McManus      | Santee       | West         |
| Byrne       | Gates      | Merritt      | Schoeneck    | Wemple       |
| Cadin       | Grady      | Miller       | Scovill      | Whitney F G  |
| Cahn        | Grattan    | Monroe       | Shanahan     | Whitney G H  |
| Callahan    | Gray       | Moreland     | Sheehy       | Wilsnack     |
| Carrier     | Gurnett    | Murphy       | Sheldon      | Wilson       |
| Charles E E | Hackett    | Nugent       | Sherry       | Wolf         |
| Charles W B | Hammond    | Ogden        | Shuttleworth | Wood F C     |
| Coon        | Hanford    | O'Neill      | Slocum       | Wood F X     |
| Cotton      | Hapeman    | Palmer       | Smith A P    | Yale         |
| Coutant     | Hartman    | Parker       | Smith A E    | Young        |
| Cowan       | Hastings   | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1567, Senate reprint No. 1409) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael C. Murphy against the State for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 246), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1409.

Mr. Moreland moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar



legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooker       | Perry        | Smith R H    |
| Allen F E   | Cox        | Hooper       | Phillips     | Standart     |
| Allen J G   | Cunningham | Hornidge     | Plank        | Stanley      |
| Anderson    | Dodd       | Hubbs        | Platt        | Steele       |
| Apgar       | Donovan    | Hurd         | Pratt        | Stevens      |
| Bass        | Dowling    | Kavanaugh    | Prentice     | Sullivan     |
| Becker      | Ellis      | Knapp        | Prince       | Tenjest      |
| Bedell      | Etzel      | La Fetra     | Quinn        | Thompson G F |
| Beebe       | Evans      | La Rue       | Reeve        | Thompson J A |
| Beihliff    | Everett    | Lewis        | Reilly       | Thonet       |
| Bird        | Fish       | Machacek     | Rigby        | Tompkins     |
| Bisland     | Fitzsimons | Maier        | Rogers       | Waddell      |
| Brady       | Foelker    | Malloy       | Rosenstein   | Wade         |
| Brooks      | Foster     | Mathews T F  | Salomon      | Wagner       |
| Burnett     | Francisco  | Matthews C R | Sammon       | Wadsworth    |
| Burns       | Freidel    | McKeown      | Santee       | Wainwright   |
| Burzynski   | Fuller     | McManus      | Schoeneck    | Wedemeyer    |
| Byrne       | Gardner    | Merritt      | Scovill      | West         |
| Cadin       | Gates      | Miller       | Shanahan     | Wemple       |
| Cahn        | Grady      | Monroe       | Sheehy       | Whitney F G  |
| Callahan    | Grattan    | Moreland     | Sheldon      | Whitney G H  |
| Carrier     | Gray       | Murphy       | Sherry       | Wiegand      |
| Caughlan    | Gurnett    | Newton       | Shuttleworth | Wilson       |
| Charles E E | Hackett    | Ogden        | Slocum       | Wolf         |
| Charles W B | Hammond    | O'Neill      | Smith A P    | Wood F C     |
| Cooke       | Hanford    | Palmer       | Smith A E    | Wood F X     |
| Coon        | Hapeman    | Parker       | Smith J E    | Yale         |
| Cotton      | Hartman    | Patton       | Smith J T    | Young        |
| Coutant     | Hastings   | Pendry       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1686, Senate reprint No. 1411) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Daniel F. Strobel and Dennis Moynehan, doing business under the firm name of Strobel & Moynehan, for damages alleged to have been sustained by them, and to render judgment therefor" (Int. No. 1113), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1411.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Daniel F. Strobel and Dennis Moynehan, doing business under the firm name of Strobel and Moynehan, against the state for damages alleged to have been sustained by them, and to render judgment therefor."

Mr. Steele moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hastings     | Patton       | Smith J T    |
| Allen F E   | Cox        | Hooker       | Pendry       | Smith R H    |
| Allen J G   | Cunningham | Hornidge     | Perry        | Standart     |
| Anderson    | Dodd       | Hubbs        | Phillips     | Stanley      |
| Apgar       | Donovan    | Hurd         | Plank        | Steele       |
| Bass        | Dowling    | Kavanaugh    | Platt        | Stevens      |
| Becker      | Ellis      | Knapp        | Pratt        | Tenjost      |
| Bedell      | Etsel      | La Fetra     | Prentice     | Thompson G F |
| Beebe       | Evans      | Leggett      | Prince       | Thompson J A |
| Beihlf      | Everett    | Machacek     | Quinn        | Thonet       |
| Bird        | Fitzsimons | Maier        | Reeve        | Tompkins     |
| Bisland     | Foelker    | Malloy       | Reilly       | Waddell      |
| Brooks      | Foster     | Mathews T F  | Rigby        | Wade         |
| Burnett     | Francisco  | Matthews C R | Rogers       | Wadsworth    |
| Burns       | Freidel    | McKeown      | Rosenstein   | Wainwright   |
| Burzynski   | Fuller     | McManus      | Salomon      | Wedemeyer    |
| Byrne       | Gardner    | Mead         | Sammon       | West         |
| Cadin       | Gates      | Merritt      | Santee       | Wemple       |
| Cahn        | Grady      | Miller       | Schoeneck    | Whitney F G  |
| Callahan    | Grattan    | Monroe       | Scovill      | Whitney G H  |
| Caughlan    | Gray       | Murphy       | Sheehy       | Wilsnack     |
| Charles E E | Gurnett    | Newton       | Sheldon      | Wilson       |
| Charles W B | Hackett    | Nugent       | Sherry       | Wolf         |
| Cooke       | Hammond    | Ogden        | Shuttleworth | Wood F C     |
| Coon        | Hanford    | O'Neill      | Slocum       | Wood F X     |
| Cotton      | Hapeman    | Palmer       | Smith A P    | Yale         |
| Coutant     | Hartman    | Parker       | Smith J E    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1097, Senate reprint No. 1397) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William W. Walling against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 917), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1397.

Mr. Merrit moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cotton     | Hapeman      | Parker     | Smith R H    |
| Allen F E   | Coutant    | Hartman      | Patton     | Standart     |
| Allen J G   | Cowan      | Hastings     | Pendry     | Stanley      |
| Anderson    | Cox        | Hooker       | Perry      | Steele       |
| Apgar       | Cunningham | Hornidge     | Phillips   | Stevens      |
| Bass        | Dale       | Hubbs        | Plank      | Tenjust      |
| Becker      | Dodd       | Hurd         | Platt      | Thompson G F |
| Bedell      | Donovan    | Kavanaugh    | Pratt      | Thompson J A |
| Beebe       | Dowling    | Knapp        | Prentice   | Thonet       |
| Beihlf      | Ellis      | La Fetra     | Prince     | Tompkins     |
| Bird        | Etzel      | Leggett      | Quinn      | Waddell      |
| Bisland     | Evans      | Lewis        | Reeve      | Wade         |
| Brady       | Everett    | Machacek     | Rigby      | Wagner       |
| Brooks      | Fish       | Malloy       | Rogers     | Wadsworth    |
| Burnett     | Fitzsimons | Mathews T F  | Rosenstein | Wainwright   |
| Burns       | Foelker    | Matthews C R | Salomon    | Wedemeyer    |
| Burzynski   | Foster     | McKeown      | Sammon     | West         |
| Byrne       | Francisco  | McManus      | Santee     | Wemple       |
| Cadin       | Freidel    | Mead         | Schoeneck  | Whitney F G  |
| Cahn        | Fuller     | Merritt      | Scovill    | Whitney G H  |
| Callahan    | Gardner    | Miller       | Sheehy     | Wiegand      |
| Carrier     | Gates      | Moreland     | Sheldon    | Wilson       |
| Caughlan    | Grattan    | Murphy       | Sherry     | Wolf         |
| Charles E E | Gray       | Newton       | Slocum     | Wood F C     |
| Charles W B | Gurnett    | Ogden        | Smith A P  | Wood F X     |
| Cooke       | Hammond    | O'Neill      | Smith A E  | Yale         |
| Coon        | Hanford    | Palmer       | Smith J T  | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1252, Senate reprint No. 1403) entitled "An act conferring upon the Court of Claims jurisdiction to examine, audit and adjust the alleged claim of William Dunn against the State of New York" (Int. No. 52), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1403.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the allaged claim of William Dunn against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Patton moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Dale       | Hooper       | Patton     | Smith J E    |
| Allen F E | Dodd       | Hornidge     | Pendry     | Smith J T    |
| Allen J G | Donovan    | Hubbs        | Perry      | Standart     |
| Anderson  | Dowling    | Hurd         | Phillips   | Stanley      |
| Bass      | Ellis      | Kavanaugh    | Plank      | Steele       |
| Becker    | Etzel      | La Fetra     | Platt      | Stevens      |
| Bedell    | Evans      | La Rue       | Pratt      | Tenjost      |
| Beebe     | Everett    | Leggett      | Prentice   | Thompson G F |
| Bird      | Fish       | Lewis        | Prince     | Thompson J A |
| Burnett   | Fitzsimons | Machacek     | Quinn      | Thonet       |
| Brady     | Foelker    | Maier        | Reeve      | Tompkins     |
| Brooks    | Foster     | Malloy       | Reilly     | Waddell      |
| Burnett   | Francisco  | Mathews T F  | Rigby      | Wade         |
| Burns     | Freidel    | Matthews C R | Rogers     | Wagner       |
| Burzynski | Fuller     | McKeown      | Rosenstein | Wadsworth    |
| Byrne     | Gardner    | McManus      | Salomon    | Wainwright   |



|             |          |          |              |             |
|-------------|----------|----------|--------------|-------------|
| Cadin       | Gates    | Mead     | Sanmon       | Wedemeyer   |
| Cahn        | Grady    | Merritt  | Santee       | West        |
| Callahan    | Grattan  | Miller   | Schoeneck    | Wemple      |
| Carrier     | Gray     | Monroe   | Scovill      | Whitney F G |
| Caughlan    | Gurnett  | Moreland | Shanahan     | Whitney G H |
| Charles E E | Hackett  | Murphy   | Sheehy       | Wilsnack    |
| Cooke       | Hammond  | Newton   | Sheldon      | Wilson      |
| Coon        | Hanford  | Nugent   | Sherry       | Wolf        |
| Cotton      | Hapeman  | Ogden    | Shuttleworth | Wood F C    |
| Coutant     | Hartman  | O'Neill  | Slocum       | Wood F X    |
| Cox         | Hastings | Palmer   | Smith A P    | Yale        |
| Cunningham  | Hooker   | Parker   | Smith A E    | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1837, Senate reprint No. 1415) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the claim of Daniel O'Grady against the State for damages alleged to have been sustained by him, and to enter judgment therefor" (Int. No. 1080), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1415.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Daniel O'Grady against the state for damages alleged to have been sustained by him, and to render judgment therefor."

Mr. Standart moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

|           |            |          |        |           |
|-----------|------------|----------|--------|-----------|
| Agnew     | Cowan      | Hooker   | Parker | Smith J T |
| Allen F E | Cox        | Hooper   | Patton | Smith R H |
| Allen J G | Cunningham | Hornidge | Pendry | Standart  |
| Anderson  | Dale       | Hubbs    | Perry  | Stanley   |



|             |           |              |            |              |
|-------------|-----------|--------------|------------|--------------|
| Apgar       | Dodd      | Hurd         | Phillips   | Steele       |
| Bass        | Donovan   | Kavanaugh    | Plank      | Sullivan     |
| Becker      | Dowling   | Knapp        | Platt      | Tenjust      |
| Bedell      | Ellis     | La Petra     | Pratt      | Thompson G F |
| Beebe       | Etzel     | Leggett      | Prentice   | Thompson J A |
| Beihlf      | Evans     | Lewis        | Prince     | Thonet       |
| Bird        | Everett   | Machacek     | Reeve      | Tompkins     |
| Bisland     | Fish      | Maier        | Reilly     | Waddell      |
| Brady       | Foelker   | Malloy       | Rigby      | Wade         |
| Brooks      | Foster    | Mathews T F  | Rogers     | Wadsworth    |
| Burnett     | Francisco | Matthews C R | Rosenstein | Wainwright   |
| Burns       | Freidel   | McKeown      | Salomon    | Wedemeyer    |
| Burzynski   | Fuller    | McManus      | Sammon     | West         |
| Byrne       | Gardner   | Mead         | Santee     | Wemple       |
| Cadin       | Gates     | Merritt      | Schoeneck  | Whitney F G  |
| Callahan    | Grady     | Miller       | Scovill    | Whitney G H  |
| Carrier     | Grattan   | Monroe       | Shanahan   | Wiegand      |
| Caughlan    | Gray      | Moreland     | Sheehy     | Wilsnack     |
| Charles E E | Gurnett   | Murphy       | Sheldon    | Wilson       |
| Charles W B | Hackett   | Newton       | Sherry     | Wolf         |
| Cooke       | Hammond   | Nugent       | Slocum     | Wood F C     |
| Coon        | Hanford   | Ogden        | Smith A P  | Wood F X     |
| Cotton      | Hartman   | O'Neill      | Smith A E  | Yale         |
| Coutant     | Hastings  | Palmer       | Smith J E  | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 2089, Senate reprint No. 1425) entitled "An act to confer on the Court of Claims jurisdiction to hear, audit and determine the claims of the personal representatives of William J. Smith for damages resulting from the death of said William J. Smith by the negligence of the State of New York through its servants and employees" (Int. No. 224), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1425.

Also, amend the title to read as follows:

"An act to confer on the court of claims jurisdiction to hear, audit and determine the alleged claim of the personal representatives of William J. Smith against the state for damages alleged to have been sustained by them and to render judgment therefor."

Mr. Brooks moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Patton       | Smith J E    |
| Allen F E   | Dale       | Hornidge     | Pendry       | Smith J T    |
| Allen J G   | Dodd       | Hubbs        | Perry        | Standart     |
| Apgar       | Donovan    | Kavanaugh    | Phillips     | Stanley      |
| Becker      | Dowling    | Knapp        | Plank        | Steele       |
| Bedell      | Ellis      | La Fetra     | Platt        | Sullivan     |
| Beebe       | Etzel      | Leggett      | Pratt        | Tenjost      |
| Beihlf      | Everett    | Lewis        | Prentice     | Thompson G F |
| Bisland     | Fish       | Machacek     | Prince       | Thompson J A |
| Brady       | Fitzsimons | Maier        | Reeve        | Thonet       |
| Burnett     | Foelker    | Mathews T F  | Reilly       | Waddell      |
| Burns       | Francisco  | Matthews C R | Rigby        | Wade         |
| Burzynski   | Freidel    | McKeown      | Rogers       | Wagner       |
| Byrne       | Fuller     | McManus      | Rosenstein   | Wadsworth    |
| Cadin       | Gardner    | Mead         | Salomon      | Wainwright   |
| Cahn        | Gates      | Merritt      | Sammon       | Wedemeyer    |
| Callahan    | Grady      | Miller       | Santee       | West         |
| Carrier     | Grattan    | Monroe       | Schoeneck    | Whitney F G  |
| Caughlan    | Gray       | Moreland     | Scovill      | Whitney G H  |
| Charles E E | Gurnett    | Murphy       | Shanahan     | Wilsnack     |
| Charles W B | Hackett    | Newton       | Sheehy       | Wilson       |
| Cooke       | Hammond    | Nugent       | Sheldon      | Wolf         |
| Coon        | Hanford    | Ogden        | Sherry       | Wood F C     |
| Cotton      | Hartman    | O'Neill      | Shuttleworth | Yale         |
| Coutant     | Hastings   | Palmer       | Slocum       | Young        |
| Cowan       | Hooker     | Parker       | Smith A P    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1685, Senate reprint No. 1406) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Dennis Dwyer against the State for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 1121), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1406.

Mr. Callahan moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hanford      | Ogden        | Smith J T    |
| Allen F E   | Cowan      | Hapeman      | Palmer       | Smith R H    |
| Allen J G   | Cox        | Hartman      | Parker       | Standart     |
| Anderson    | Cunningham | Hastings     | Patton       | Steele       |
| Apgar       | Dale       | Hooker       | Pendry       | Stevens      |
| Bass        | Dodd       | Hooper       | Perry        | Tenjost      |
| Becker      | Donovan    | Hornidge     | Phillips     | Thompson G F |
| Bedell      | Dowling    | Hurd         | Platt        | Thompson J A |
| Beebe       | Ellis      | Kavanaugh    | Pratt        | Thonet       |
| Beihlf      | Etzel      | Knapp        | Prentice     | Tompkins     |
| Bird        | Evans      | La Fetra     | Quinn        | Waddell      |
| Bisland     | Everett    | La Rue       | Reeve        | Wade         |
| Brady       | Fish       | Leggett      | Reilly       | Wagner       |
| Brooks      | Fitzsimons | Lewis        | Rigby        | Wadsworth    |
| Burnett     | Foelker    | Maier        | Rosenstein   | Wainwright   |
| Burns       | Foster     | Machacek     | Salomon      | Wedemeyer    |
| Burzynski   | Francisco  | Malloy       | Sammon       | West         |
| Byrne       | Freidel    | Mathews T F  | Santee       | Wemple       |
| Cadin       | Fuller     | Matthews C R | Scovill      | Whitney F G  |
| Cahn        | Gardner    | McKeown      | Shanahan     | Wiegand      |
| Callahan    | Gates      | McManus      | Sheehy       | Wilsnack     |
| Carrier     | Grady      | Mead         | Sheldon      | Wilson       |
| Caughlan    | Grattan    | Merritt      | Sherry       | Wolf         |
| Charles E E | Gray       | Miller       | Shuttleworth | Wood F C     |
| Charles W B | Gurnett    | Moreland     | Slocum       | Wood F X     |
| Cooke       | Hackett    | Murphy       | Smith A E    | Yale         |
| Coon        | Hammond    | Nugent       | Smith J E    | Young        |
| Cotton      |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 2001, Senate reprint No. 142) entitled "An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of Thomas Clark against the State of New York for damages alleged to have been sustained by him by injuries to his canal boat at Lock No. 64

on the Erie canal on or about August 20, 1903" (Int. No. 1052), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1421.

Also, amend the title to read as follows:

"An act to confer upon the court of claims jurisdiction to hear, audit and determine the alleged claim of Thomas Clark against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Fish moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Dodd       | Hubbs        | Perry        | Smith R H    |
| Allen F E   | Donovan    | Hurd         | Phillips     | Standart     |
| Allen J G   | Ellis      | Kavanaugh    | Plank        | Stanley      |
| Apgar       | Etzel      | Knapp        | Platt        | Steele       |
| Bass        | Evans      | La Fetra     | Pratt        | Sullivan     |
| Becker      | Everett    | La Rue       | Prentice     | Tenjust      |
| Bedell      | Fish       | Leggett      | Prince       | Thompson G F |
| Beebe       | Fitzsimons | Lewis        | Quinn        | Thompson J A |
| Beihilf     | Foelker    | Machacek     | Reeve        | Thonet       |
| Bird        | Foster     | Maier        | Reilly       | Tompkins     |
| Bisland     | Francisco  | Malloy       | Rigby        | Waddell      |
| Brady       | Freidel    | Mathews T F  | Rogers       | Wade         |
| Burnett     | Fuller     | Matthews C R | Rosenstein   | Wagner       |
| Burns       | Gardner    | McKeown      | Salomon      | Wadsworth    |
| Burzynski   | Gates      | McManus      | Sammon       | Wainwright   |
| Byrne       | Grady      | Mead         | Santee       | Wedemeyer    |
| Cahn        | Grattan    | Merritt      | Schoeneck    | West         |
| Callahan    | Gray       | Miller       | Scovill      | Wemple       |
| Carrier     | Gurnett    | Monroe       | Shanahan     | Whitney F G  |
| Caughlan    | Hackett    | Moreland     | Sheehy       | Whitney G H  |
| Charles E E | Hammond    | Murphy       | Sheldon      | Wiegand      |
| Cooke       | Hanford    | Nugent       | Sherry       | Wilson       |
| Coon        | Hapeman    | Ogden        | Shuttleworth | Wolf         |
| Cotton      | Hartman    | O'Neill      | Slocum       | Wood F C     |
| Coutant     | Hastings   | Palmer       | Smith A P    | Wood F X     |
| Cowan       | Hooker     | Parker       | Smith A E    | Yale         |
| Cunningham  | Hooper     | Patton       | Smith J E    | Young        |
| Dale        | Hornidge   | Pendry       | Smith J T    |              |



Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 2002, Senate reprint No. 1420) entitled "An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of John P. Smith against the State of New York for damages alleged to have been sustained by him by injuries to his canal boats at the Fort Herkimer Lock No. 41 on the Erie canal on or about the 5th of May, 1903" (Int. No. 1053), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1420.

Also, amend the title to read as follows:

"An act to confer upon the court of claims jurisdiction to hear, audit and determine the alleged claim of John P. Smith against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Fish moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Coutant    | Hartman   | O'Neill  | Smith J E    |
| Allen F E | Cowan      | Hastings  | Palmer   | Smith J T    |
| Allen J G | Cox        | Hooker    | Parker   | Standart     |
| Apgar     | Cunningham | Hooper    | Patton   | Stanley      |
| Bass      | Dale       | Hornidge  | Pendry   | Steele       |
| Becker    | Dodd       | Hubbs     | Perry    | Stevens      |
| Bedell    | Donovan    | Hurd      | Phillips | Sullivan     |
| Beebe     | Ellis      | Kavanaugh | Plank    | Tenjost      |
| Beihilf   | Etzel      | La Fetra  | Pratt    | Thompson G F |
| Bird      | Evans      | La Rue    | Prentice | Thompson J A |
| Bisland   | Everett    | Lewis     | Prince   | Tompkins     |
| Brooks    | Fish       | Machacek  | Reeve    | Waddell      |
| Burnett   | Foelker    | Maier     | Reilly   | Wade         |
| Burns     | Foster     | Malloy    | Rogers   | Wagner       |



|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Burzynski   | Francisco | Mathews T F  | Rosenstein   | Wainwright  |
| Byrne       | Freidel   | Matthews C R | Sammon       | West        |
| Cadin       | Fuller    | McKeown      | Santee       | Wemple      |
| Cahn        | Gates     | McManus      | Schoeneck    | Whitney G H |
| Callahan    | Grady     | Merritt      | Scovill      | Wiegand     |
| Carrier     | Grattan   | Miller       | Shanahan     | Wilson      |
| Charles E E | Gray      | Monroe       | Sheldon      | Wolf        |
| Charles W B | Gurnett   | Moreland     | Sherry       | Wood F C    |
| Cooke       | Hackett   | Murphy       | Shuttleworth | Wood F X    |
| Coon        | Hanford   | Newton       | Slocum       | Yale        |
| Cotton      | Hapeman   | Ogden        | Smith A P    | Young       |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1347, Senate reprint No. 1416) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Brown against the State of New York for damages to the canal boat Maggie Mills at the city of Utica, on or about the 25th day of May, 1903" (Int. No. 1096), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1416.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James Brown against the state for damages alleged to have been sustained by him, and to render judgment therefor."

Mr. Evans moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |           |
|-----------|------------|----------|----------|-----------|
| Agnew     | Cowan      | Hooper   | Pendry   | Smith J T |
| Allen F E | Cox        | Hornidge | Perry    | Smith R H |
| Allen J G | Cunningham | Hubbs    | Phillips | Standart  |
| Anderson  | Dale       | Hurd     | Plank    | Stanley   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Dodd       | Kavanaugh    | Platt        | Steele       |
| Bass        | Donovan    | Knapp        | Pratt        | Stevens      |
| Becker      | Dowling    | La Rue       | Prentice     | Sullivan     |
| Bedell      | Ellis      | Leggett      | Prince       | Tenjust      |
| Beebe       | Etzel      | Lewis        | Quinn        | Thompson G F |
| Beihilf     | Evans      | Machacek     | Reeve        | Thonet       |
| Bird        | Everett    | Maier        | Reilly       | Tompkins     |
| Bisland     | Fish       | Malloy       | Rigby        | Waddell      |
| Brady       | Fitzsimons | Mathews T F  | Rogers       | Wade         |
| Brooks      | Foelker    | Matthews C R | Rosenstein   | Wagner       |
| Burnett     | Foster     | McKeown      | Salomon      | Wadsworth    |
| Burns       | Francisco  | McManus      | Sammon       | Wainwright   |
| Burzynski   | Freidel    | Mead         | Santee       | Wedemeyer    |
| Byrne       | Fuller     | Merritt      | Schoeneck    | West         |
| Cadin       | Gates      | Miller       | Scovill      | Whitney F G  |
| Cahn        | Grady      | Monroe       | Shanahan     | Whitney G H  |
| Callahan    | Grattan    | Moreland     | Sheehy       | Wiegand      |
| Carrier     | Gray       | Murphy       | Sheldon      | Wilsnack     |
| Caughlan    | Gurnett    | Newton       | Sherry       | Wilson       |
| Charles E E | Hackett    | Nugent       | Shuttleworth | Wolf         |
| Charles W B | Hammond    | Ogden        | Slocum       | Wood F C     |
| Cooke       | Hapeman    | O'Neill      | Smith A P    | Wood F X     |
| Coon        | Hartman    | Palmer       | Smith A E    | Yale         |
| Cotton      | Hastings   | Parker       | Smith J E    | Young        |
| Coutant     | Hooker     | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1692, Senate reprint No. 1506) entitled "An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of Peter Pfeiffer and Alma V. Pfeiffer and Clarence Pfeiffer, infants, against the State of New York for damages to their real property situate on the towing-paths bank of the Erie canal at Durhamville, New York, alleged to have been caused by leakage of water from said canal" (Int. No. 1054), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate Bill No. 1506.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Peter Pfeiffer, and Alma V. Pfeiffer and Clarence Pfeiffer, infants, against the state for damages alleged to have been sustained by them, and to render judgment therefor."

Mr. Fish moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Cowan      | Hooker      | Patton       | Smith R H    |
| Allen F E   | Cox        | Hooper      | Pendry       | Standart     |
| Allen J G   | Cunningham | Hornidge    | Perry        | Stanley      |
| Anderson    | Dale       | Hubbs       | Phillips     | Steele       |
| Apgar       | Dodd       | Hurd        | Plank        | Stevens      |
| Bass        | Donovan    | Kavanaugh   | Platt        | Sullivan     |
| Becker      | Dowling    | Knapp       | Pratt        | Tenjest      |
| Bedell      | Ellis      | La Fetra    | Prentice     | Thompson G F |
| Beebe       | Etzel      | La Rue      | Prince       | Thompson J A |
| Beihlf      | Evans      | Leggett     | Quinn        | Thonet       |
| Bird        | Everett    | Lewis       | Reeve        | Waddell      |
| Bisland     | Fish       | Machacek    | Reilly       | Wade         |
| Brady       | Fitzsimons | Malloy      | Rigby        | Wagner       |
| Brooks      | Foelker    | Mathews T F | Rogers       | Wadsworth    |
| Burnett     | Foster     | Mathews C R | Rosenstein   | Wainwright   |
| Burns       | Francisco  | McKeown     | Salomon      | Wedemeyer    |
| Burzynski   | Freidel    | McManus     | Sammon       | West         |
| Byrne       | Fuller     | Mead        | Santee       | Wemple       |
| Cadin       | Gardner    | Merritt     | Scovill      | Whitney F G  |
| Cahn        | Gates      | Miller      | Shanahan     | Whitney G H  |
| Callahan    | Grady      | Monroe      | Sheehy       | Wiegand      |
| Carrier     | Grattan    | Moreland    | Sheldon      | Wilsnack     |
| Caughlan    | Gray       | Murphy      | Sherry       | Wilson       |
| Charles E E | Gurnett    | Newton      | Shuttleworth | Wolf         |
| Charles W B | Hackett    | Ogden       | Slocum       | Wood F C     |
| Cooke       | Hanford    | O'Neill     | Smith A E    | Wood F X     |
| Coon        | Hapeman    | Palmer      | Smith J E    | Yale         |
| Cotton      | Hartman    | Parker      | Smith J T    | Young        |
| Coutant     | Hastings   |             |              |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 54, Senate reprint No. 1473, entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State Armory in the late village now city of Tonawanda, N. Y." (Int. No. 54), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1473.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of persons, firms and corporations against the state, for services, labor or material, alleged to have been furnished by them in constructing the State Armory at Tonawanda, N. Y., and to render judgment therefor."

Mr. Patton moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cunningham | Hooper       | Pendry     | Steele       |
| Allen F E   | Dale       | Hornidge     | Perry      | Stevens      |
| Allen J G   | Donovan    | Hubbs        | Phillips   | Sullivan     |
| Apgar       | Dowling    | Hurd         | Plank      | Thompson G F |
| Bass        | Ellis      | Knapp        | Platt      | Thompson J A |
| Becker      | Etsel      | La Fetra     | Pratt      | Thonet       |
| Bedell      | Evans      | La Rue       | Prentice   | Tompkins     |
| Beebe       | Everett    | Leggett      | Quinn      | Waddell      |
| Bird        | Fish       | Lewis        | Reeve      | Wade         |
| Bisland     | Fitzsimons | Maier        | Rigby      | Wagner       |
| Brooks      | Foelker    | Malloy       | Rogers     | Wadsworth    |
| Burnett     | Foster     | Mathews T F  | Rosenstein | Wainwright   |
| Burns       | Francisco  | Matthews C R | Sammon     | Wedemeyer    |
| Burzynski   | Fuller     | McKeown      | Santee     | West         |
| Byrne       | Gardner    | McManus      | Schoeneck  | Wemple       |
| Cahn        | Gates      | Mead         | Scovill    | Whitney F G  |
| Callahan    | Grady      | Miller       | Sheehy     | Whitney G H  |
| Carrier     | Grattan    | Monroe       | Sheldon    | Wiegand      |
| Caughlan    | Gray       | Moreland     | Sherry     | Wilsnack     |
| Charles E E | Gurnett    | Newton       | Slocum     | Wilson       |
| Charles W B | Hackett    | Nugent       | Smith A P  | Wolf         |
| Coon        | Hammond    | Ogden        | Smith A E  | Wood F C     |
| Cotton      | Hanford    | O'Neill      | Smith J E  | Wood F X     |
| Coutant     | Hapeman    | Palmer       | Smith J T  | Yale         |
| Cowan       | Hartman    | Parker       | Standart   | Young        |
| Cox         | Hooker     | Patton       | Stanley    |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.



The Senate returned the bill (No. 1255, Senate reprint No. 140) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the claim of James Chamberlain against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 205), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1401.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James Chamberlain against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. W. B. Charles moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cowan      | Hooker       | Pendry     | Smith R H    |
| Allen F E | Cox        | Hooper       | Perry      | Standart     |
| Allen J G | Cunningham | Hornidge     | Phillips   | Stanley      |
| Anderson  | Dale       | Hubbs        | Plank      | Steele       |
| Apgar     | Dodd       | Hurd         | Platt      | Stevens      |
| Bass      | Donovan    | Kavanaugh    | Pratt      | Sullivan     |
| Becker    | Dowling    | Knapp        | Prentice   | Tenjost      |
| Bedell    | Etzel      | La Fetra     | Prince     | Thompson G F |
| Beebe     | Evans      | La Rue       | Quinn      | Thonet       |
| Beihilf   | Everett    | Leggett      | Reeve      | Tompkins     |
| Bird      | Fish       | Machacek     | Reilly     | Waddell      |
| Bisland   | Fitzsimons | Maier        | Rigby      | Wade         |
| Brady     | Foelker    | Mathews T F  | Rogers     | Wagner       |
| Brooks    | Foster     | Matthews C R | Rosenstein | Wadsworth    |
| Burnett*  | Francisco  | McKeown      | Salomon    | Wainwright   |
| Burns     | Freidel    | McManus      | Sammon     | Wedemeyer    |
| Burzynski | Fuller     | Mead         | Santee     | West         |
| Byrne     | Gardner    | Merritt      | Schoeneck  | Wemple       |
| Cadin     | Gates      | Miller       | Scovill    | Whitney F G  |
| Cahn      | Grady      | Monroe       | Shanahan   | Whitney G H  |



|             |          |          |              |          |
|-------------|----------|----------|--------------|----------|
| Callahan    | Grattan  | Moreland | Sheehy       | Wiegand  |
| Carrier     | Gray     | Murphy   | Sheldon      | Wilsnack |
| Caughlan    | Gurnett  | Newton   | Sherry       | Wilson   |
| Charles E E | Hackett  | Nugent   | Shuttleworth | Wolf     |
| Charles W B | Hammond  | Ogden    | Slocum       | Wood F C |
| Cooke       | Hanford  | O'Neill  | Smith A P    | Wood F X |
| Coon        | Hapeman  | Palmer   | Smith A E    | Yale     |
| Cotton      | Hartman  | Parker   | Smith J E    | Young    |
| Coutant     | Hastings | Patton   | Smith J T    |          |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1572, Senate reprint No. 1405) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Frances Turzkowska against the State of New York for damages alleged to have been sustained by her on the State reservation at Niagara on or about the 5th day of July, 1903" (Int. No. 729), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill 1405.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Frances Turzkowska against the state for damages alleged to have been sustained by her and to render judgment therefor."

Mr. Cox moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |          |
|-----------|------------|----------|----------|----------|
| Agnew     | Coutant    | Hartman  | Pendry   | Standart |
| Allen F E | Cowan      | Hastings | Perry    | Stanley  |
| Allen J G | Cox        | Hooker   | Phillips | Steele   |
| Apgar     | Cunningham | Hooper   | Plank    | Stevens  |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Bass        | Dale       | Hornidge     | Platt        | Sullivan     |
| Becker      | Dodd       | Hubbs        | Pratt        | Thompson G F |
| Bedell      | Donovan    | Hurd         | Prince       | Thompson J A |
| Beebe       | Dowling    | Knapp        | Quinn        | Thonet       |
| Beihlf      | Ellis      | La Fetra     | Reeve        | Tompkins     |
| Bird        | Etzel      | Leggett      | Reilly       | Waddell      |
| Bisland     | Evans      | Lewis        | Rigby        | Wade         |
| Brady       | Everett    | Maier        | Rogers       | Wagner       |
| Brooks      | Fish       | Malloy       | Rosenstein   | Wadsworth    |
| Burnett     | Fitzsimons | Mathews T F  | Sammon       | Wainwright   |
| Burns       | Foster     | Matthews C R | Santee       | Wedemeyer    |
| Burzynski   | Francisco  | McKeown      | Schoeneck    | West         |
| Byrne       | Freidel    | McManus      | Scovill      | Wemple       |
| Cadin       | Fuller     | Mead         | Shanahan     | Whitney F G  |
| Cahn        | Gardner    | Miller       | Sheehy       | Whitney G H  |
| Callahan    | Gates      | Monroe       | Sheldon      | Wiegand      |
| Carrier     | Grady      | Murphy       | Sherry       | Wilson       |
| Caughlan    | Grattan    | Newton       | Shuttleworth | Wolf         |
| Charles E E | Gray       | Nugent       | Slocum       | Wood F C     |
| Charles W B | Gurnett    | O'Neill      | Smith A P    | Wood F X     |
| Cooke       | Hackett    | Palmer       | Smith J E    | Yale         |
| Coon        | Hammond    | Parker       | Smith J T    | Young        |
| Cotton      | Hanford    | Patton       | Smith R H    |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 2003, Senate reprint No. 1424) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Flynn against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 1267), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill 1424.

Mr. G. H. Whitney moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooker       | Pendry       | Smith J E    |
| Allen F E   | Cowan      | Hooper       | Perry        | Smith J T    |
| Allen J G   | Cox        | Hornidge     | Phillips     | Smith R H    |
| Anderson    | Cunningham | Hubbs        | Plank        | Standart     |
| Apgur       | Dale       | Hurd         | Platt        | Steele       |
| Bass        | Donovan    | Kavanaugh    | Pratt        | Stevens      |
| Bedell      | Dowling    | Knapp        | Prentice     | Sullivan     |
| Beebe       | Ellis      | La Petra     | Prince       | Thonet       |
| Beihlf      | Etzel      | La Rue       | Quinn        | Thompson G F |
| Bird        | Evans      | Leggett      | Reeve        | Thompson J A |
| Bisland     | Fish       | Lewis        | Reilly       | Tompkins     |
| Brady       | Fitzsimons | Machacek     | Rigby        | Wade         |
| Brooks      | Foelker    | Malloy       | Rogers       | Wagner       |
| Burnett     | Foster     | Mathews T F  | Rosenstein   | Wadsworth    |
| Burns       | Francisco  | Matthews C R | Salomon      | Wainwright   |
| Burzynski   | Freidel    | McKeown      | Sammon       | Wedemeyer    |
| Byrne       | Fuller     | McManus      | Santee       | Wemple       |
| Cadin       | Gates      | Merritt      | Schoeneck    | Wood F C     |
| Cahn        | Grady      | Miller       | Scovill      | Whitney G H  |
| Callahan    | Grattan    | Monroe       | Shanahan     | Wiegand      |
| Carrier     | Gray       | Moreland     | Sheldon      | Wilson       |
| Caughlan    | Gurnett    | Murphy       | Sherry       | Wolf         |
| Charles E E | Hackett    | Newton       | Shuttleworth | Wood F C     |
| Charles W B | Hanford    | Nugent       | Slocum       | Wood F X     |
| Cooke       | Hapeman    | Palmer       | Smith A P    | Yale         |
| Coon        | Hartman    | Parker       | Smith A E    | Young        |
| Cotton      | Hastings   | Patton       |              |              |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1533, Senate reprint No. 1418) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Syracuse against the State for unpaid assessments for local improvements charged by said city against the State on account of lands owned by it within said city and for the amount alleged to be due thereon and to render judgment therefor" (Int. No. 1199), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1418.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the city of Syracuse

against the state for assessments for local improvements levied and assessed against the state of New York and to render judgment therefor."

Mr. Hammond moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hastings     | Pendry       | Smith J T    |
| Allen J G   | Cunningham | Hooker       | Perry        | Smith R H    |
| Anderson    | Dale       | Hooper       | Phillips     | Standart     |
| Apgar       | Dodd       | Hurd         | Plank        | Stanley      |
| Bass        | Donovan    | Kavanaugh    | Platt        | Steele       |
| Becker      | Dowling    | Knapp        | Pratt        | Sullivan     |
| Bedell      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Beebe       | Etzel      | La Rue       | Prince       | Thompson G F |
| Beihilf     | Everett    | Leggett      | Quinn        | Thompson J A |
| Bird        | Fish       | Lewis        | Reeve        | Thonet       |
| Bisland     | Fitzsimons | Machacek     | Reilly       | Tompkins     |
| Brady       | Foelker    | Maier        | Rigoy        | Waddell      |
| Brooks      | Foster     | Malloy       | Rogers       | Wade         |
| Burns       | Francisco  | Mathews T F  | Rosenstein   | Wagner       |
| Burzynski   | Freidel    | Matthews C R | Salomon      | Wadsworth    |
| Byrne       | Fuller     | McKeown      | Sammon       | Wainwright   |
| Cadin       | Gardner    | McManus      | Santee       | West         |
| Cahn        | Gates      | Mead         | Schoeneck    | Wemple       |
| Callahan    | Grady      | Merritt      | Scovill      | Whitney F G  |
| Carrier     | Grattan    | Monroe       | Shanahan     | Whitney G H  |
| Caughlan    | Gray       | Moreland     | Sheehy       | Wiegand      |
| Charles E E | Gurnett    | Murphy       | Sheldon      | Wilsnack     |
| Charles W B | Hackett    | Nugent       | Sherry       | Wilson       |
| Cooke       | Hammond    | Ogden        | Shuttleworth | Wood F C     |
| Coon        | Hanford    | O'Neill      | Smith A P    | Wood F X     |
| Coutant     | Hapeman    | Palmer       | Smith A E    | Yale         |
| Cowan       | Hartman    | Patton       | Smith J E    | Young        |

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 662, Senate reprint No. 1398) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the town of Skaneateles, bonded to aid in the construction of the Skaneateles

railroad on account of the payment to the State of the State taxes collected from such railroad" (Int. No. 595), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1398.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the allaged claim of the town of Skaneateles, against the state for damages alleged to have been sustained by it and to render judgment therefor."

Mr. F. X. Wood moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

'Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hurd         | Phillips     | Smith J T    |
| Allen F E   | Cunningham | Kavanaugh    | Plank        | Smith R H    |
| Allen J G   | Dale       | La Fetra     | Platt        | Standart     |
| Anderson    | Dodd       | La Rue       | Pratt        | Stanley      |
| Bass        | Dowling    | Leggett      | Prentice     | Steele       |
| Becker      | Ellis      | Lewis        | Prince       | Stevens      |
| Bedell      | Evans      | Machacek     | Quinn        | Tenjost      |
| Beebe       | Everett    | Maier        | Reeve        | Thompson J A |
| Beihilf     | Fish       | Malloy       | Reilly       | Thompson G F |
| Bisland     | Fitzsimons | Mathews T F  | Rigby        | Thonet       |
| Brady       | Foelker    | Matthews C R | Rogers       | Waddell      |
| Brooks      | Foster     | McKeown      | Rosenstein   | Wade         |
| Burnett     | Francisco  | McManus      | Salomon      | Wagner       |
| Burns       | Freidel    | Mead         | Sammon       | Wainwright   |
| Burzynski   | Gardner    | Merritt      | Santee       | Wedemeyer    |
| Byrne       | Gates      | Monroe       | Schoeneck    | West         |
| Cadin       | Grady      | Moreland     | Scovill      | Wemple       |
| Cahn        | Grattan    | Murphy       | Shanahan     | Whitney F G  |
| Callahan    | Gray       | Newton       | Sheehy       | Whitney G H  |
| Carrier     | Gurnett    | Nugent       | Sheldon      | Wilsnack     |
| Caughlan    | Hammond    | Ogden        | Sherry       | Wilson       |
| Charles E E | Hanford    | O'Neill      | Shuttleworth | Wolf         |
| Charles W B | Hapeman    | Palmer       | Slocum       | Wood F C     |
| Coon        | Hastings   | Parker       | Smith A P    | Wood F X     |
| Cotton      | Hooker     | Patton       | Smith A E    | Yale         |
| Coutant     | Hooper     | Pendry       | Smith J E    | Young        |
| Cowan       | Hubbs      | Perry        |              |              |



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1337, Senate reprint No. 1510) entitled "An act to amend the Greater New York charter, relative to fire marshals" (Int. No. 847), with a message that they have concurred in the passage of the same with the following amendment:

Page 2, line 4, after the period insert the words "The fire marshal for the borough of Queens shall be a member of the volunteer force of said borough who has served as chief for three consecutive years after consolidation of a department of ten companies or more."

Mr. Sullivan moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cox        | Hastings     | Palmer     | Smith A P    |
| Allen F E   | Cunningham | Hooker       | Parker     | Smith A E    |
| Allen J G   | Dale       | Hooper       | Patton     | Smith J T    |
| Apgar       | Dodd       | Hubbs        | Pendry     | Smith R H    |
| Bass        | Dowling    | Hurd         | Perry      | Standart     |
| Becker      | Ellis      | Kavanaugh    | Phillips   | Steele       |
| Bedell      | Etzel      | Knapp        | Plank      | Stevens      |
| Beebe       | Evans      | La Rue       | Platt      | Sullivan     |
| Bird        | Everett    | Leggett      | Pratt      | Thompson G F |
| Bisland     | Fish       | Machacek     | Prentice   | Thompson J A |
| Brady       | Fitzsimons | Maier        | Prince     | Thonet       |
| Brooks      | Foelker    | Malloy       | Quinn      | Tompkins     |
| Burnett     | Foster     | Mathews T F  | Reeve      | Waddell      |
| Burzynski   | Francisco  | Matthews C R | Rigby      | Wagner       |
| Byrne       | Freidel    | McKeown      | Rogers     | Wadsworth    |
| Cadin       | Fuller     | McManus      | Rosenstein | Wainwright   |
| Cal'n       | Gardner    | Mead         | Salomon    | Wedemeyer    |
| Callahan    | Gates      | Merritt      | Sammon     | Wemple       |
| Caughlan    | Grady      | Miller       | Schoeneck  | Whitney F G  |
| Charles E E | Grattan    | Monroe       | Scovill    | Wiegand      |

|             |         |         |              |          |
|-------------|---------|---------|--------------|----------|
| Charles W B | Gray    | Murphy  | Shanahan     | Wilsnack |
| Cooke       | Gurnett | Newton  | Sheehy       | Wolf     |
| Coon        | Hammond | Nugent  | Sheldon      | Wood F C |
| Cotton      | Hanford | Ogden   | Sherry       | Yale     |
| Coutant     | Hapeman | O'Neill | Shuttleworth | Young    |
| Cowan       | Hartman |         |              |          |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 2091, Senate reprint No. 1479) entitled "An act to amend chapter 152 of the Laws of 1899, entitled 'An act in relation to the use of bicycles on sidepaths, for licensing bicycles, for the appointment of sidepath commissioners, and to provide for the construction, maintenance, regulation, preservation and shading of sidepaths,' in relation to the appointment of sidepath police" (Int. No. 1172), with a message that they have concurred in the passage of the same with the following amendments:

Page 2, lines 8 and 9, strike out from the word "in" to the word "known," inclusive.

Same page, line 11, strike out the word "a" and insert the word "such;" also strike out the words "to be" and insert the words "or fees as shall be."

Page 3, line 12, strike out the word "salary" and also the words "bills for" and insert the word "with."

Same page, line 12, after the comma insert the words "which also may be allowed them in the discretion of such board, if allowed."

Mr. G. F. Thompson moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121  
NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hornidge     | Perry        | Smith J T    |
| Allen F E   | Dale       | Hubbs        | Phillips     | Smith R H    |
| Anderson    | Dodd       | Kavanaugh    | Plank        | Standart     |
| Apgar       | Dowling    | Knapp        | Platt        | Steele       |
| Bass        | Ellis      | La Fetra     | Pratt        | Stevens      |
| Becker      | Etzel      | Leggett      | Prentice     | Sullivan     |
| Beebe       | Everett    | Machacek     | Prince       | Tenjost      |
| Beihilf     | Fish       | Maier        | Quinn        | Thompson J A |
| Bird        | Fitzsimons | Mathews T F  | Reilly       | Thonet       |
| Brady       | Foelker    | Matthews C R | Rigby        | Waddell      |
| Burnett     | Foster     | McKeown      | Rogers       | Wade         |
| Burns       | Francisco  | McManus      | Rosenstein   | Wagner       |
| Burzynski   | Freidel    | Mead         | Salomon      | Wadsworth    |
| Byrne       | Fuller     | Merritt      | Sammon       | Wedemeyer    |
| Cadin       | Gardner    | Miller       | Schoeneck    | West         |
| Cahn        | Grady      | Moreland     | Scovill      | Wemple       |
| Carrier     | Grattan    | Murphy       | Shanahan     | Whitney G H  |
| Caughlan    | Gray       | Newton       | Sheehy       | Wiegand      |
| Charles E E | Gurnett    | Ogden        | Sheldon      | Wilsnack     |
| Charles W B | Hammond    | O'Neill      | Sherry       | Wilson       |
| Coon        | Hanford    | Palmer       | Shuttleworth | Wood F C     |
| Cotton      | Hapeman    | Parker       | Slocum       | Wood F X     |
| Coutant     | Hastings   | Patton       | Smith A E    | Yale         |
| Cowan       | Hooker     | Pendry       | Smith J E    | Young        |
| Cox         |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1531, Senate reprint No. 1444) entitled "An act providing for the taxation for school purposes of the lands owned by the State and situate within the boundaries of union free school district No. 1, town of Danne-mora, in the county of Clinton" (Int. No. 1197), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 4, after the comma insert the words "exclusive of the improvements erected thereon by the State."

Mr. Knapp moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined

in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Dodd       | Hornidge    | Phillips     | Smith J T    |
| Allen F E   | Donovan    | Hubbs       | Plank        | Smith R H    |
| Allen J G   | Dowling    | Kavanaugh   | Platt        | Standart     |
| Apgar       | Ellis      | Knapp       | Pratt        | Stanley      |
| Bass        | Etzel      | La Petra    | Prentice     | Steele       |
| Bedell      | Evans      | La Rue      | Prince       | Sullivan     |
| Beebe       | Everett    | Lewis       | Quinn        | Tenjust      |
| Beihilf     | Fitzsimons | Machacek    | Reeve        | Thompson G F |
| Bird        | Foelker    | Malloy      | Reilly       | Thompson J A |
| Brady       | Foster     | Mathews T F | Rigby        | Tompkins     |
| Brooks      | Freidel    | Mathews C R | Rogers       | Waddell      |
| Burnett     | Fuller     | McKeown     | Rosenstein   | Wade         |
| Burzynski   | Gardner    | McManus     | Salomon      | Wagner       |
| Byrne       | Grady      | Mead        | Sammon       | Wadsworth    |
| Cadin       | Grattan    | Miller      | Santee       | Wainwright   |
| Cahn        | Gray       | Monroe      | Schoeneck    | Wedemeyer    |
| Carrier     | Gurnett    | Moreland    | Seovill      | West         |
| Caughlan    | Hackett    | Newton      | Shanahan     | Wemple       |
| Charles E E | Hammond    | Nugent      | Sheehy       | Whitney F G  |
| Cooke       | Hanford    | O'Neill     | Sheldon      | Wiegand      |
| Coon        | Hapeman    | Palmer      | Shuttleworth | Wilsnack J   |
| Cotton      | Hartman    | Parker      | Slocum       | Wolf         |
| Coutant     | Hastings   | Patton      | Smith A P    | Wood F C     |
| Cowan       | Hooker     | Pendry      | Smith A E    | Yale         |
| Cox         | Hooper     | Perry       | Smith J E    | Young        |
| Dale        |            |             |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1204, Senate reprint No. 1321) entitled "An act to grant, give and release unto John Unterreiner, all the right, title and interest of the people of the State of New York, in, of and to all the real and personal property, which were of John E. Hughes, late of the borough of Brooklyn city and State of New York, deceased" (Int. No. 993), with a message that they have concurred in the passage of the same with the following amendments:

Page 1, line 2, after the word "escheat" insert the word "or," and strike out the word "or" at end of line.

Same page, line 3, strike out the words "otherwise."

Same page, line 7, after the semicolon insert the words: "thence southerly and again parallel with Morrel street, one hundred feet to the northerly side of Cook street; thence westerly and along the northerly side of Cook street, eighteen feet and six inches."

Page 3, strike out all of section 2, and renumber sections following accordingly.

Same page, line 21, strike out the period and insert a comma, and add the words "nor affect any action or proceeding now pending."

In the title insert a comma after the word "Brooklyn."

Mr. McKeown moved to concur in the Senate amendments.

Mr. Speaker put the question whether the house would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hapeman      | Parker       | Smith J T    |
| Allen F E   | Coutant    | Hastings     | Patton       | Standart     |
| Allen J G   | Cowan      | Hooker       | Pendry       | Stanley      |
| Anderson    | Cox        | Hornidge     | Perry        | Steele       |
| Apgar       | Cunningham | Hubbs        | Phillips     | Stevens      |
| Bass        | Dale       | Hurd         | Plank        | Sullivan     |
| Becker      | Dodd       | Knapp        | Platt        | Tenjost      |
| Bedell      | Dowling    | La Fetra     | Pratt        | Thompson J A |
| Beebe       | Ellis      | La Rue       | Prentice     | Thonet       |
| Beihlf      | Etzel      | Leggett      | Quinn        | Tompkins     |
| Bird        | Evans      | Lewis        | Reeve        | Waddell      |
| Bisland     | Everett    | Maier        | Reilly       | Wade         |
| Brady       | Fish       | Malloy       | Rigby        | Wagner       |
| Brooks      | Fitzsimons | Mathews T F  | Rogers       | Wainwright   |
| Burnett     | Foelker    | Matthews C R | Salomon      | Wedemeyer    |
| Burns       | Foster     | McKeown      | Sammon       | West         |
| Burzynski   | Francisco  | McManus      | Santee       | Whitney F G  |
| Byrne       | Freidel    | Mead         | Schoeneck    | Whitney G H  |
| Cahn        | Fuller     | Merritt      | Shanahan     | Wiegand      |
| Callahan    | Gardner    | Monroe       | Sheehy       | Wilnsack     |
| Carrier     | Gates      | Moreland     | Sherry       | Wolf         |
| Caughlan    | Grattan    | Murphy       | Shuttleworth | Wood F C     |
| Charles E E | Gray       | Nugent       | Slocum       | Wood F X     |
| Charles W B | Gurnett    | Ogden        | Smith A P    | Yale         |
| Cooke       | Hackett    | O'Neill      | Smith A E    | Young        |
| Coon        | Hanford    | Palmer       |              |              |



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1335, Senate reprint No. 1300) entitled "An act to require the construction of an elevated railroad station at the corner of One Hundred and Thirtieth street and Eighth avenue, in the city of New York" (Int. No. 36), with a message that they have concurred in the passage of the same with the following amendments:

Page 1, line 6, after the word "northward" insert a period and strike out rest of line.

Same page, strike out all of line 7.

Page 2, lines 1 and 2, strike out line 1 and all of line 2 up to and including period.

Same page, line 5, strike out the word "article."

Same page, strike out all of line 6 and insert the words "title 1, chapter 23 of the code of civil procedure."

Mr. Beihlf moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Coutant    | Hartman      | Perry      | Stanley      |
| Allen F E | Cowan      | Hastings     | Phillips   | Steele       |
| Allen J G | Cox        | Hooker       | Plank      | Stevens      |
| Anderson  | Cunningham | Hornidge     | Platt      | Sullivan     |
| Apgar     | Dale       | Hubbs        | Pratt      | Tenlost      |
| Bass      | Dodd       | Hurd         | Prentice   | Thompson G F |
| Becker    | Donovan    | Knapp        | Prince     | Thompson J A |
| Bedell    | Dowling    | La Fetra     | Quinn      | Thonet       |
| Beebe     | Ellis      | La Rue       | Reeve      | Tompkins     |
| Beihlf    | Etzel      | Lewis        | Reilly     | Waddell      |
| Bird      | Evans      | Machacek     | Rogers     | Wade         |
| Bisland   | Everett    | Maier        | Rosenstein | Wagner       |
| Brady     | Fitzsimons | Mathews T F  | Salomon    | Wadsworth    |
| Brooks    | Foelker    | Matthews C R | Sammon     | Wainwright   |
| Burnett   | Foster     | McKeown      | Santee     | Wedemeyer    |

|             |           |         |              |             |
|-------------|-----------|---------|--------------|-------------|
| Burns       | Francisco | McManus | Schoeneck    | West        |
| Burzynski   | Freidel   | Merritt | Scovill      | Wemple      |
| Byrne       | Fuller    | Miller  | Shanahan     | Whitney F G |
| Cadin       | Gardner   | Monroe  | Sheldon      | Whitney G H |
| Cahn        | Gates     | Murphy  | Sherry       | Wiegand     |
| Callahan    | Grady     | Newton  | Shuttleworth | Wilsnack    |
| Carrier     | Grattan   | Nugent  | Slocum       | Wilson      |
| Charles E E | Gurnett   | Ogden   | Smith A P    | Wolf        |
| Charles W B | Hackett   | Palmer  | Smith A E    | Wood F C    |
| Cooke       | Hammond   | Parker  | Smith J E    | Wood F X    |
| Coon        | Hanford   | Patton  | Smith J T    | Yale        |
| Cotton      | Hapeman   | Pendry  | Standart     | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1848, Senate reprint No. 1512) entitled "An act to amend the Civil Service Law, relating to the qualification of applicants for civil service examinations" (Int. No. 386), with a message that they have concurred in the passage of the same with the following amendment:

Page 2, line 13, strike out the word "sixteen" and insert the word "fourteen."

Mr. Murphy moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present

AYES 129

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Coon       | Hanford   | Parker   | Smith J E    |
| Allen F E | Cotton     | Hartman   | Patton   | Smith J T    |
| Allen J G | Coutant    | Hastings  | Pendry   | Smith R H    |
| Anderson  | Cowan      | Hooker    | Perry    | Standart     |
| Apgar     | Cox        | Hornidge  | Phillips | Steele       |
| Bass      | Cunningham | Hubbs     | Plank    | Stevens      |
| Becker    | Dale       | Kavanaugh | Platt    | Sullivan     |
| Bedell    | Donovan    | Knapp     | Pratt    | Thompson G F |
| Beebe     | Dowling    | La Rue    | Prince   | Thompson J A |
| Beihilf   | Etsel      | Lewis     | Quinn    | Thonct       |
| Bird      | Evans      | Machacek  | Reeve    | Waddell      |
| Bisland   | Everett    | Malloy    | Reilly   | Wade         |

|             |            |              |            |             |
|-------------|------------|--------------|------------|-------------|
| Brady       | Fitzsimons | Mathews T F  | Rigby      | Wagner      |
| Brooks      | Foelker    | Matthews C R | Rogers     | Wainwright  |
| Burnett     | Foster     | McKeown      | Rosenstein | Wedemeyer   |
| Burns       | Francisco  | McManus      | Salomon    | Wemple      |
| Burzynski   | Freidel    | Merritt      | Santee     | Whitney F G |
| Byrne       | Fuller     | Miller       | Schoeneck  | Whitney G H |
| Cadin       | Gardner    | Monroe       | Scovill    | Wilsnack    |
| Cahn        | Gates      | Moreland     | Shanahan   | Wilson      |
| Callahan    | Grady      | Murphy       | Sheehy     | Wolf        |
| Carrier     | Grattan    | Newton       | Sheldon    | Wood F C    |
| Caughlan    | Gray       | Nugent       | Sherry     | Wood F X    |
| Charles E E | Gurnett    | Ogden        | Slocum     | Yale        |
| Charles W B | Hackett    | O'Neill      | Smith A P  | Young       |
| Cooke       | Hammond    | Palmer       | Smith A E  |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 231, Senate reprint No. 1475) entitled "An act to enable the police commissioner of the city of New York to rehear and determine the charges against Charles E. Savage, formerly a patrolman of the police department of said city, and to reinstate him in said department" (Int. No. 23), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 5, after the word "department" insert the words "and such other charges as may have been pending against him at that time."

Mr. La Fetra moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |           |
|-----------|------------|----------|----------|-----------|
| Agnew     | Cox        | Hastings | Perry    | Smith R H |
| Allen J G | Cunningham | Hooker   | Phillips | Standart  |
| Anderson  | Dale       | Hooper   | Plank    | Stanley   |
| Apgar     | Dodd       | Hubbs    | Platt    | Steele    |
| Bass      | Donovan    | Hurd     | Pratt    | Stevens   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Bedell      | Dowling    | Kavanaugh    | Prentice     | Sullivan     |
| Beebe       | Ellis      | Knapp        | Prince       | Tenlost      |
| Beihlf      | Etzel      | La Fetra     | Quinn        | Thompson G F |
| Bird        | Evans      | La Rue       | Reeve        | Thompson J A |
| Bisland     | Everett    | Leggett      | Reilly       | Thonet       |
| Brady       | Fish       | Lewis        | Rigby        | Tompkins     |
| Brooks      | Fitzsimons | Machacek     | Rogers       | Waddell      |
| Burnett     | Foelker    | Maier        | Rosenstein   | Wagner       |
| Burns       | Foster     | Malloy       | Salomon      | Wadsworth    |
| Burzynski   | Francisco  | Mathews T F  | Sammon       | Wedemeyer    |
| Byrne       | Freidel    | Matthews C R | Santee       | West         |
| Cadin       | Fuller     | McKeown      | Schoeneck    | Wemple       |
| Cahn        | Gardner    | McManus      | Scovill      | Whitney F G  |
| Callahan    | Gates      | Merritt      | Shanahan     | Whitney G H  |
| Carrier     | Grady      | Miller       | Sheehy       | Wiegand      |
| Caughlan    | Grattan    | Monroe       | Sheldon      | Wilsnack     |
| Charles E E | Gray       | Murphy       | Sherry       | Wilson       |
| Charles W B | Gurnett    | Newton       | Shuttleworth | Wolf         |
| Cooke       | Hackett    | Nugent       | Slocum       | Wood F C     |
| Coon        | Hammond    | O'Neill      | Smith A P    | Wood F X     |
| Cotton      | Hanford    | Palmer       | Smith J E    | Yale         |
| Coutant     | Hapeman    | Patton       | Smith J T    | Young        |
| Cowan       | Hartman    | Pendry       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1769, Senate reprint No. 1477), entitled "An act to amend the Penal Code, relative to life saving crews on ferry boats and excursion boats" (Int. No. 562), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 6, strike out the word "three" and insert the word "four."

Mr. Malloy moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |          |
|-----------|------------|----------|----------|----------|
| Agnew     | Coutant    | Hastings | Perry    | Standart |
| Allen F E | Cowan      | Hooker   | Phillips | Stanley  |
| Allen J G | Cox        | Hooper   | Plank    | Steele   |
| Anderson  | Cunningham | Hornidge | Platt    | Stevens  |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Dodd       | Hurd         | Pratt        | Sullivan     |
| Bass        | Donovan    | Kavanaugh    | Prentice     | Tenjost      |
| Becker      | Dowling    | Knapp        | Prince       | Thompson G F |
| Bedell      | Ellis      | La Fetra     | Quinn        | Thompson J A |
| Beebe       | Etzel      | La Rue       | Reeve        | Thonet       |
| Beihlf      | Evans      | Lewis        | Reilly       | Tompkins     |
| Bird        | Everett    | Maier        | Rigby        | Waddell      |
| Bisland     | Fish       | Malloy       | Rogers       | Wade         |
| Brady       | Fitzsimons | Mathews T F  | Rosenstein   | Wagner       |
| Brooks      | Foelker    | Matthews C R | Salomon      | Wainwright   |
| Burnett     | Foster     | McKeown      | Sammon       | Wedemeyer    |
| Burns       | Francisco  | McManus      | Santee       | West         |
| Burzynski   | Freidel    | Mead         | Schoeneck    | Wemple       |
| Byrne       | Fuller     | Merritt      | Scovill      | Whitney F G  |
| Cadin       | Gardner    | Miller       | Shanahan     | Whitney G H  |
| Cahn        | Gates      | Moreland     | Sheldon      | Wiegand      |
| Callahan    | Grady      | Murphy       | Sherry       | Wilsnack     |
| Carrier     | Grattan    | Newton       | Shuttleworth | Wilson       |
| Caughlan    | Gray       | Nugent       | Slocum       | Wolf         |
| Charles E E | Gurnett    | Ogden        | Smith A P    | Wood F C     |
| Charles W B | Hackett    | Palmer       | Smith A E    | Wood F X     |
| Cooke       | Hammond    | Parker       | Smith J E    | Yale         |
| Coon        | Hapeman    | Patton       | Smith J T    | Young        |
| Cotton      | Hartman    | Pendry       | Smith R H    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 2065, Senate reprint No. 1480) entitled "An act to establish a law library in the city of Oswego to be known as the Robinson Memorial Library" (Int. No. 1235), with a message that they have concurred in the passage of the same with the following amendments:

Page 1, line 2, insert a period after the word "Oswego" and strike out balance of line 2 and all of line 3.

Same page, line 6, strike out the word "Gentlemen" and insert the words "Oswego county bar association."

Page 2, line 2, strike out the words "the governor" and insert the word "they."

Same page, line 11, strike out the words "the governor" and insert the word "they."

Same page, line 14, strike out the word "the."

Same page, line 15, strike out the word "governor" and insert the words "said bar association."

Same page, strike out all of line 25 after the period and all of line 26.

Page 3, strike out all of lines 1, 2 and 3 and insert the words "All sums received by said trustees for such library shall be used



by them or a majority of them in the purchase of books for said library for the necessary rebinding of the same and for the care of such library. The state shall not now or hereafter be liable for any of the expenses of such library."

Also, amend the title to read as follows:

"An act to establish a law library in the city of Oswego to be known as the Robinson memorial library."

Mr. F. G. Whitney moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cox        | Hastings     | Patton     | Smith J E    |
| Allen F E   | Cunningham | Hooker       | Pendry     | Smith J T    |
| Allen J G   | Dale       | Hooper       | Perry      | Smith R H    |
| Apgar       | Dodd       | Hubbs        | Phillips   | Standart     |
| Bass        | Donovan    | Hurd         | Plank      | Steele       |
| Becker      | Dowling    | Kavanaugh    | Platt      | Stevens      |
| Bedell      | Ellis      | Knapp        | Pratt      | Sullivan     |
| Beebe       | Etzel      | La Fetra     | Prentice   | Tenjest      |
| Beihlf      | Evans      | Leggett      | Prince     | Thompson J A |
| Bird        | Everett    | Lewis        | Quinn      | Thonet       |
| Bisland     | Fish       | Machacek     | Reeve      | Tompkins     |
| Brady       | Fitzsimons | Maier        | Reilly     | Waddell      |
| Burnett     | Foelker    | Malloy       | Rigby      | Wade         |
| Burns       | Foster     | Mathews T F  | Rogers     | Wadsworth    |
| Burzynski   | Francisco  | Matthews C R | Rosenstein | Wainwright   |
| Byrne       | Freidel    | McKeown      | Salomon    | Wedemeyer    |
| Cadin       | Fuller     | McManus      | Sammon     | West         |
| Cahn        | Gardner    | Mead         | Santee     | Wemple       |
| Callahan    | Gates      | Merritt      | Scovill    | Whitney G H  |
| Carrier     | Grady      | Miller       | Shanahan   | Wiegand      |
| Caughlan    | Grattan    | Moreland     | Sheehy     | Wilsnack     |
| Charles W B | Gray       | Murphy       | Sheldon    | Wolf         |
| Cooke       | Gurnett    | Newton       | Sherry     | Wood F C     |
| Coon        | Hackett    | Ogden        | Slocum     | Wood F X     |
| Cotton      | Hanford    | O'Neill      | Smith A P  | Yale         |
| Coutant     | Hapeman    | Palmer       | Smith A E  | Young        |
| Cowan       | Hartman    | Parker       |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1941, Senate reprint No. 1513) entitled "An act to amend the Stock Corporations Law, in relation to consent to change place of business" (Int. No. 1412), with a message that they have concurred in the passage of the same with the following amendment:

Page 2, line 7, after the word "writing" insert the words "and duly acknowledged."

Mr. Dowling moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Coutant    | Hapeman     | O'Neill      | Smith A E    |
| Allen F E   | Cowan      | Hartman     | Palmer       | Smith J E    |
| Allen J G   | Cox        | Hastings    | Parker       | Smith J T    |
| Anderson    | Cunningham | Hooker      | Patton       | Standart     |
| Apgar       | Dale       | Hornidge    | Pendry       | Stanley      |
| Bass        | Dodd       | Hubbs       | Perry        | Steele       |
| Becker      | Donovan    | Hurd        | Phillips     | Sullivan     |
| Bedell      | Dowling    | Kavanaugh   | Plank        | Tenjost      |
| Beebe       | Ellis      | Knapp       | Platt        | Thompson G F |
| Beihlf      | Etzel      | La Fetra    | Pratt        | Thompson J A |
| Bird        | Everett    | La Rue      | Prentice     | Thonet       |
| Bisland     | Fish       | Leggett     | Prince       | Waddell      |
| Brady       | Fitzsimons | Lewis       | Quinn        | Wade         |
| Brooks      | Foelker    | Maier       | Reeve        | Wagner       |
| Burnett     | Foster     | Malloy      | Reilly       | Wadsworth    |
| Burns       | Francisco  | Mathews T F | Rigby        | Wainwright   |
| Burzynski   | Freidel    | Mathews C R | Rogers       | Wedemever    |
| Byrne       | Fuller     | McKeown     | Salomon      | West         |
| Cadin       | Gardner    | McManus     | Sammon       | Wemple       |
| Cahn        | Gates      | Mead        | Santee       | Whitney F G  |
| Callahan    | Grady      | Merritt     | Schoeneck    | Whitney G H  |
| Carrier     | Grattan    | Miller      | Scovill      | Wilsnack     |
| Caughlan    | Gray       | Monroe      | Sheehy       | Wilson       |
| Charles E E | Gurnett    | Moreland    | Sheldon      | Wolf         |
| Charles W B | Hackett    | Murphy      | Sherry       | Wood F X     |
| Cooke       | Hammond    | Nugent      | Shuttleworth | Yale         |
| Coon        | Hanford    | Ogden       | Slocum       | Young        |
| Cotton      |            |             |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Senate bill (No. 801) entitled "An act to further amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants'" (Rec. No. 666), with a message that said bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the city nor by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 93

NOES 51

Those who voted in the affirmative were:

|           |            |              |              |              |
|-----------|------------|--------------|--------------|--------------|
| Agnew     | Coutant    | Hooper       | Phillips     | Steele       |
| Allen F E | Cowan      | Hubbs        | Plank        | Stevens      |
| Allen J G | Cox        | Hurd         | Platt        | Tenjust      |
| Apgar     | Cunningham | Knapp        | Pratt        | Thompson G F |
| Bass      | Etzel      | La Rue       | Reeve        | Thonet       |
| Becker    | Evans      | Leggett      | Rigby        | Waddell      |
| Bedell    | Fish       | Lewis        | Rogers       | Wade         |
| Beebe     | Foelker    | Maier        | Santee       | Wadsworth    |
| Beihlf    | Foster     | Matthews C R | Schoeneck    | Wainwright   |
| Bisland   | Freidel    | Mead         | Scovill      | West         |
| Brady     | Gardner    | Merritt      | Sheldon      | Wemple       |
| Brooks    | Gates      | Miller       | Shuttleworth | Whitney F G  |
| Burnett   | Gray       | Monroe       | Slocum       | Whitney G H  |
| Cahn      | Hammond    | Moreland     | Smith A P    | Wilsnack     |

|             |          |        |           |          |
|-------------|----------|--------|-----------|----------|
| Callahan    | Hanford  | Murphy | Smith J E | Wilson   |
| Carrier     | Hapeman  | Newton | Smith J T | Wood F X |
| Charles W B | Hartman  | Ogden  | Standart  | Yale     |
| Coon        | Hastings | Parker | Stanley   | Speaker  |
| Cotton      | Hooker   | Patton |           |          |

Those who voted in the negative were:

|             |            |             |            |              |
|-------------|------------|-------------|------------|--------------|
| Anderson    | Ellis      | Machacek    | Prentice   | Smith A E    |
| Bird        | Everett    | Malloy      | Prince     | Smith R H    |
| Burns       | Fitzsimons | Mathews T F | Quinn      | Sullivan     |
| Byrne       | Francisco  | McKeown     | Reilly     | Thompson J A |
| Cadin       | Fuller     | McManus     | Rosenstein | Tompkins     |
| Caughlan    | Grady      | Nugent      | Salomon    | Wagner       |
| Charles E E | Hackett    | O'Neill     | Sammon     | Wedemeyer    |
| Cooke       | Hornidge   | Palmer      | Shanahan   | Wiegand      |
| Dodd        | Kavanaugh  | Pendry      | Sheehy     | Wolf         |
| Donovan     | La Fetra   | Perry       | Sherry     | Wood F C     |
| Dowling     |            |             |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Senate bill (No. 1074) entitled "An act to amend sections 43, 44, 47 and 242 of the Greater New York charter, with reference to the respective powers and duties of the board of estimate and apportionment and the board of aldermen" (Rec. No. 281), with a message that said bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the city nor by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 93

NOES 51

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooper       | Phillips     | Steele       |
| Allen F E   | Cowan      | Hubbs        | Plank        | Stevens      |
| Allen J G   | Cox        | Hurd         | Platt        | Tenjust      |
| Apgar       | Cunningham | Knapp        | Pratt        | Thompson G F |
| Bass        | Etzel      | La Rue       | Reeve        | Thonet       |
| Becker      | Evans      | Leggett      | Rigby        | Waddell      |
| Bedell      | Fish       | Lewis        | Rogers       | Wade         |
| Beebe       | Foelker    | Maier        | Santee       | Wadsworth    |
| Beihlf      | Foster     | Matthews C R | Schoeneck    | Wainwright   |
| Bisland     | Freidel    | Mead         | Scovill      | West         |
| Brady       | Gardner    | Merritt      | Sheldon      | Wemple       |
| Brooks      | Gates      | Miller       | Shuttleworth | Whitney F G  |
| Burnett     | Gray       | Monroe       | Slocum       | Whitney G H  |
| Cadin       | Hammond    | Moreland     | Smith A P    | Wilsnack     |
| Callahan    | Hanford    | Murphy       | Smith J E    | Wilson       |
| Carrier     | Hapeman    | Newton       | Smith J T    | Wood F X     |
| Charles W B | Hartman    | Ogden        | Standart     | Yale         |
| Coon        | Hastings   | Parker       | Stanley      | Speaker      |
| Cotton      | Hooker     | Patton       |              |              |

Those who voted in the negative were:

|             |            |             |            |              |
|-------------|------------|-------------|------------|--------------|
| Anderson    | Ellis      | Machacek    | Prentice   | Smith A E    |
| Bird        | Everett    | Malloy      | Prince     | Smith R H    |
| Burns       | Fitzsimons | Mathews T F | Quinn      | Sullivan     |
| Byrne       | Francisco  | McKeown     | Reilly     | Thompson J A |
| Cahn        | Fuller     | McManus     | Rosenstein | Tompkins     |
| Caughlan    | Grady      | Nugent      | Salomon    | Wagner       |
| Charles E E | Hackett    | O'Neill     | Sammon     | Wedemeyer    |
| Cooke       | Hornidge   | Palmer      | Shanahan   | Wiegand      |
| Dodd        | Kavanaugh  | Pendry      | Sheehy     | Wolf         |
| Donovan     | La Fetra   | Perry       | Sherry     | Wood F C     |
| Dowling     |            |             |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 28, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill No. 230, reprint No. 1519, entitled "An act to amend section 88 of chapter 414 of the Laws of 1897, entitled 'An act in relation to villages, constituting chapter 21 of the general laws,' relative to garbage and ashes." (Rec. No. 149.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Carpenter, and by unanimous consent, the same was amended as follows:



Page 1, line 4, strike out the word "two" and insert the word "five."

Same page, line 5, strike out the figures "22" and insert the figures "25."

Said bill as amended was reprinted, re-engrossed and, having been upon the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,  
*Clerk.*

Mr. Wainwright moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

|             |            |              |          |              |
|-------------|------------|--------------|----------|--------------|
| Agnew       | Coon       | Gurnett      | McKeown  | Sammon       |
| Allen F E   | Cotton     | Hackett      | McManus  | Schoeneck    |
| Allen J G   | Coutant    | Hammond      | Merritt  | Shanahan     |
| Anderson    | Cox        | Hapeman      | Miller   | Sheehy       |
| Apgar       | Cunningham | Hartman      | Monroe   | Shuttleworth |
| Bass        | Dodd       | Hastings     | Moreland | Smith A E    |
| Becker      | Donovan    | Hooker       | Newton   | Smith J E    |
| Bedell      | Dowling    | Hooper       | Ogden    | Smith R H    |
| Beebe       | Ellis      | Hornidge     | O'Neill  | Stanley      |
| Beihilf     | Etzel      | Hubbs        | Palmer   | Stevens      |
| Bird        | Evans      | Hurd         | Parker   | Tenjost      |
| Bisland     | Everett    | Kavanaugh    | Pendry   | Thompson G F |
| Brady       | Fitzsimons | Knapp        | Perry    | Thonet       |
| Brooks      | Foelker    | La Fetra     | Phillips | Waddell      |
| Burnett     | Foster     | La Rue       | Platt    | Wagner       |
| Burns       | Francisco  | Leggett      | Pratt    | Wedemeyer    |
| Burzynski   | Freidel    | Lewis        | Prentice | West         |
| Cadin       | Fuller     | Machacek     | Quinn    | Whitney F G  |
| Cahn        | Gardner    | Maier        | Reeve    | Wiegand      |
| Carrier     | Gates      | Malloy       | Rigby    | Wolf         |
| Caughlan    | Grady      | Mathews T F  | Rogers   | Wood F C     |
| Charles E E | Grattan    | Matthews C R | Salomon  | Young        |
| Charles W B | Gray       |              |          |              |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Everett    | Malloy       | Reilly       | Sullivan     |
| Allen F E   | Fitzsimons | Matthews C R | Rogers       | Tenjost      |
| Anderson    | Foster     | McKeown      | Rosenstein   | Thompson G F |
| Apgar       | Francisco  | McManus      | Salomon      | Thompson J A |
| Becker      | Fuller     | Merritt      | Sammon       | Thonet       |
| Bedell      | Gardner    | Miller       | Santee       | Tompkins     |
| Beebe       | Grattan    | Monroe       | Schoeneck    | Waddell      |
| Bird        | Gray       | Murphy       | Scovill      | Wade         |
| Brady       | Gurnett    | Nugent       | Shanahan     | Wagner       |
| Burnett     | Hammond    | Ogden        | Sheehy       | Wadsworth    |
| Burzynski   | Hanford    | O'Neill      | Sherry       | Wainwright   |
| Cadin       | Hapeman    | Palmer       | Shuttleworth | Wedemeyer    |
| Carrier     | Hastings   | Patton       | Slocum       | West         |
| Charles E E | Hooker     | Pendry       | Smith A P    | Wempe        |
| Cooke       | Hooper     | Perry        | Smith A E    | Whitney F G  |
| Cotton      | Hornidge   | Phillips     | Smith J E    | Whitney G H  |
| Coutant     | Hubbs      | Plank        | Smith J T    | Wiegand      |
| Cox         | Hurd       | Platt        | Smith R H    | Wolf         |
| Dale        | La Fetra   | Pratt        | Standart     | Wood F X     |
| Dodd        | La Rue     | Prentice     | Stanley      | Yale         |
| Dowling     | Leggett    | Prince       | Steele       | Young        |
| Etzel       | Machacek   | Reeve        | Stevens      |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, May 2, 1905.

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill No. 875, reprint No. 1485, entitled "An act to amend the Banking Law, relative to communications from the Banking Department to banks, savings banks and trust companies." (Rec. No. 187.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Davis, and by unanimous consent, the same was amended as follows:

Page 1, line 4, strike out the word "forty" and insert the word "thirty-nine."

Same page, line 5, strike out "§ 40" and insert "§ 39."

Said bill as amended was reprinted, re-engrossed and, having been upon the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. J. T. Smith moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were :

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hastings     | Palmer       | Smith J E    |
| Allen F E   | Cunningham | Hooker       | Parker       | Smith J T    |
| Anderson    | Dale       | Hooper       | Patton       | Standart     |
| Apgar       | Dodd       | Hornidge     | Perry        | Steele       |
| Bass        | Donovan    | Hubbs        | Phillips     | Stevens      |
| Becker      | Dowling    | Hurd         | Plank        | Tenjust      |
| Bedell      | Ellis      | Knapp        | Pratt        | Thompson G F |
| Beebe       | Etzel      | La Fetra     | Prentice     | Thompson J A |
| Beihliff    | Evans      | La Rue       | Prince       | Tompkins     |
| Bird        | Everett    | Leggett      | Quinn        | Waddell      |
| Brady       | Fish       | Lewis        | Reeve        | Wagner       |
| Brooks      | Fitzsimons | Machacek     | Reilly       | Wadsworth    |
| Burnett     | Foelker    | Maier        | Rigby        | Wedemeyer    |
| Burns       | Francisco  | Malloy       | Rogers       | West         |
| Burzynski   | Freidel    | Mathews T F  | Rosenstein   | Wemple       |
| Byrne       | Fuller     | Matthews C R | Sammon       | Whitney F G  |
| Cadin       | Gardner    | McKeown      | Santee       | Whitney G H  |
| Cahn        | Gates      | McManus      | Scovill      | Wiegand      |
| Callahan    | Grattan    | Mead         | Shanahan     | Wilsnack     |
| Caughlan    | Gray       | Miller       | Sheehy       | Wilson       |
| Charles E E | Gurnett    | Monroe       | Sheldon      | Wolf         |
| Cooke       | Hammond    | Moreland     | Sherry       | Wood F C     |
| Coon        | Hanford    | Murphy       | Shuttleworth | Wood F X     |
| Coutant     | Hapeman    | Newton       | Smith A P    | Yale         |
| Cowan       | Hartman    | Ogden        | Smith A E    | Young        |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00 .

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hastings     | Pendry       | Smith J T    |
| Allen F E   | Cunningham | Hooper       | Perry        | Standart     |
| Allen J G   | Dale       | Hornidge     | Phillips     | Stanley      |
| Apgar       | Dodd       | Hubbs        | Plank        | Steele       |
| Bass        | Donovan    | Kavanaugh    | Platt        | Sullivan     |
| Becker      | Dowling    | Knapp        | Pratt        | Tenjost      |
| Beebe       | Ellis      | La Fetra     | Prentice     | Thompson G F |
| Beihlf      | Etzel      | Leggett      | Prince       | Thompson J A |
| Bisland     | Evans      | Lewis        | Quinn        | Thonet       |
| Brady       | Everett    | Machacek     | Reeve        | Tompkins     |
| Brooks      | Fish       | Malloy       | Reilly       | Wade         |
| Burnett     | Foelker    | Mathews T F  | Rigby        | Wagner       |
| Burns       | Foster     | Matthews C R | Rosenstein   | Wadsworth    |
| Burzynski   | Francisco  | McKeown      | Salomon      | Wedemeyer    |
| Byrne       | Freidel    | McManus      | Sammon       | West         |
| Cahn        | Gardner    | Merritt      | Santee       | Wemple       |
| Callahan    | Gates      | Monroe       | Scovill      | Whitney G H  |
| Carrier     | Grady      | Moreland     | Shanahan     | Wiegand      |
| Caughlan    | Grattan    | Newton       | Sheehy       | Wilsnack     |
| Charles W B | Gray       | Nugent       | Sherry       | Wilson       |
| Coon        | Hackett    | O'Neill      | Shuttleworth | Wood F C     |
| Cotton      | Hammond    | Palmer       | Slocum       | Yale         |
| Coutant     | Hapeman    | Parker       | Smith A P    | Young        |
| Cowan       | Hartman    | Patton       | Smith J E    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 6, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill No. 1120, entitled "An act to amend chapter 909 of the Laws of 1896, entitled 'An act in relation to the elections, constituting chapter 6 of the general laws,' and the several acts amendatory thereof and supplemental thereto, in relation to the office of commissioner of elections in in the county of Erie." (Rec. No. 59.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Davis, and by unanimous consent, the same was amended as follows:

Page 13, line 4, after the words "New York" insert the word "Kings."

Page 22, line 8, strike out the word "electors" and insert the word "elections."

Page 27, line 12, strike out the word "if" and insert the word "of."

Page 37, line 21, strike out the word "the" and insert the word "like."

Page 44, line 24, strike out the word "of" after the word "copy" and insert the word "to."

Said bill as amended was reprinted, re-engrossed and, having been upon the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Cox moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|           |            |              |          |              |
|-----------|------------|--------------|----------|--------------|
| Agnew     | Cox        | Hastings     | Parker   | Smith R H    |
| Allen F E | Cunningham | Hooper       | Patton   | Standart     |
| Allen J G | Dale       | Hornidge     | Pendry   | Steele       |
| Anderson  | Donovan    | Hubbs        | Perry    | Stevens      |
| Apgar     | Dowling    | Hurd         | Plank    | Sullivan     |
| Becker    | Ellis      | Kavanaugh    | Platt    | Tenjust      |
| Bedell    | Etzel      | Knapp        | Pratt    | Thompson J A |
| Beebe     | Evans      | La Rue       | Prentice | Thonet       |
| Beihilf   | Everett    | Leggett      | Prince   | Tompkins     |
| Bird      | Fish       | Lewis        | Reeve    | Wade         |
| Bisland   | Fitzsimons | Machacek     | Reilly   | Wagner       |
| Brady     | Foelker    | Maier        | Rigby    | Wadsworth    |
| Brooks    | Francisco  | Mathews T F  | Rogers   | Wedemeyer    |
| Burnett   | Freidel    | Matthews C R | Salomon  | West         |



|             |         |         |           |             |
|-------------|---------|---------|-----------|-------------|
| Burzynski   | Fuller  | McKeown | Sammon    | Wemple      |
| Byrne       | Gardner | McManus | Santee    | Whitney F G |
| Cadin       | Gates   | Mead    | Schoeneck | Whitney G H |
| Cahn        | Grady   | Merritt | Scovill   | Wiegand     |
| Carrier     | Grattan | Miller  | Sheehy    | Wilsnack    |
| Caughlan    | Gray    | Monroe  | Sheldon   | Wilson      |
| Charles W B | Gurnett | Murphy  | Sherry    | Wood F C    |
| Cooke       | Hammond | Newton  | Slocum    | Wood F X    |
| Coon        | Hanford | Nugent  | Smith A P | Yale        |
| Coutant     | Hapeman | Ogden   | Smith J E | Young       |
| Cowan       | Hartman | O'Neill | Smith J T |             |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were :

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hartman      | Patton       | Smith J E    |
| Allen F E   | Dale       | Hooker       | Pendry       | Smith J T    |
| Allen J G   | Dodd       | Hooper       | Perry        | Standart     |
| Apgar       | Donovan    | Hornidge     | Phillips     | Stanley      |
| Bass        | Dowling    | Hubbs        | Plank        | Steele       |
| Becker      | Etzel      | Kavanaugh    | Platt        | Sullivan     |
| Bedell      | Evans      | Knapp        | Pratt        | Tenjost      |
| Beebe       | Everett    | La Rue       | Prentice     | Thompson J A |
| Bird        | Fish       | Leggett      | Prince       | Thonet       |
| Bisland     | Fitzsimons | Machacek     | Quinn        | Tompkins     |
| Brady       | Foelker    | Maier        | Reeve        | Wade         |
| Brooks      | Foster     | Mathews T F  | Rigby        | Wagner       |
| Burnett     | Francisco  | Matthews C R | Rogers       | Wadsworth    |
| Burns       | Freidel    | McKeown      | Salomon      | Wainwright   |
| Burzynski   | Fuller     | McManus      | Sammon       | West         |
| Cadin       | Gardner    | Mead         | Santee       | Wemple       |
| Cahn        | Gates      | Miller       | Schoeneck    | Whitney F G  |
| Carrier     | Grady      | Monroe       | Shanahan     | Whitney G H  |
| Caughlan    | Grattan    | Moreland     | Sheehy       | Wilsnack     |
| Charles E E | Gray       | Murphy       | Sheldon      | Wilson       |
| Charles W B | Gurnett    | Nugent       | Shuttleworth | Wolf         |
| Cooke       | Hackett    | Ogden        | Slocum       | Wood F X     |
| Coon        | Hammond    | O'Neill      | Smith A P    | Yale         |
| Coutant     | Hanford    | Parker       | Smith A E    | Young        |
| Cowan       | Hapeman    |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the

final passage of said bill, and as amended have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, May 2, 1905.

Pursuant to concurrent resolution of the Senate and Assembly, the mayor of Niagara Falls returned the Senate bill No. 251, reprint No. 1514, entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls' in relation to the powers of said city to acquire a waterworks system." (Rec. No. 66.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. L'Hommedieu, and by unanimous consent, the same was amended as follows:

Page 1, line 5, after the word "a" insert the words "water supply and purchase, construct and regulate."

Said bill as amended was reprinted, re-engrossed and, having been upon the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Thompson moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cunningham | Hubbs     | Phillips | Standart     |
| Allen F E | Dale       | Kavanaugh | Plank    | Stanley      |
| Allen J G | Dodd       | Knapp     | Platt    | Steele       |
| Anderson  | Donovan    | La Rue    | Pratt    | Stevens      |
| Apgar     | Dowling    | Lewis     | Prentice | Sullivan     |
| Bass      | Ellis      | Machacek  | Prince   | Tenjost      |
| Bedell    | Etzel      | Maier     | Quinn    | Thompson G F |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Beebe       | Evans      | Malloy       | Reeve        | Thompson J A |
| Beihilf     | Everett    | Mathews T F  | Reilly       | Thonet       |
| Bird        | Fish       | Matthews C R | Rigby        | Tompkins     |
| Bisland     | Fitzsimons | McKeown      | Rogers       | Waddell      |
| Brady       | Foelker    | McManus      | Rosenstein   | Wade         |
| Burnett     | Foster     | Mead         | Salomon      | Wagner       |
| Burns       | Francisco  | Merritt      | Sammon       | Wadsworth    |
| Burzynski   | Freidel    | Miller       | Santee       | Wedemeyer    |
| Byrne       | Fuller     | Monroe       | Schoeneck    | West         |
| Cadin       | Gardner    | Moreland     | Scovill      | Wemple       |
| Cahn        | Grady      | Murphy       | Sheehy       | Whitney F G  |
| Callahan    | Grattan    | Newton       | Sheldon      | Whitney G H  |
| Carrier     | Gray       | Nugent       | Sherry       | Wiegand      |
| Charles E E | Hackett    | Ogden        | Shuttleworth | Wilsnack     |
| Charles W B | Hammond    | O'Neill      | Slocum       | Wilson       |
| Cooke       | Hapeman    | Palmer       | Smith A P    | Wolf         |
| Coon        | Hartman    | Parker       | Smith A E    | Wood F C     |
| Cotton      | Hastings   | Patton       | Smith J E    | Wood F X     |
| Coutant     | Hooker     | Pendry       | Smith J T    | Yale         |
| Cowan       | Hornidge   | Perry        | Smith R H    | Young        |
| Cox         |            |              |              |              |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 83

NOES 24

Those who voted in the affirmative were:

|             |              |          |              |              |
|-------------|--------------|----------|--------------|--------------|
| Agnew       | Freidel      | Mead     | Rogers       | Thompson J A |
| Allen J G   | Gardner      | Merritt  | Sammon       | Thonet       |
| Bedell      | Gates        | Miller   | Santee       | Waddell      |
| Beihilf     | Gray         | Monroe   | Schoeneck    | Wade         |
| Burnett     | Hanford      | Murphy   | Scovill      | Wadsworth    |
| Cadin       | Hapeman      | Ogden    | Sheldon      | Wainwright   |
| Callahan    | Hastings     | O'Neill  | Sherry       | West         |
| Carrier     | Hooker       | Parker   | Shuttleworth | Wemple       |
| Charles E E | Hooper       | Pendry   | Slocum       | Whitney F G  |
| Coon        | Hornidge     | Perry    | Smith A P    | Whitney G H  |
| Cowan       | Hubbs        | Phillips | Smith J E    | Wilsnack     |
| Ellis       | Hurd         | Plank    | Smith J T    | Wilson       |
| Etzel       | Knapp        | Platt    | Stanley      | Wood F C     |
| Everett     | Leggett      | Pratt    | Steele       | Wood F X     |
| Fish        | Maier        | Prentice | Stevens      | Yale         |
| Foelker     | Matthews C R | Quinn    | Thompson G F | Young        |
| Foster      | McKeown      | Reeve    |              |              |

Those who voted in the negative were:

|        |            |             |            |           |
|--------|------------|-------------|------------|-----------|
| Bass   | Coutant    | Hackett     | Palmer     | Standart  |
| Brooks | Cox        | Hartman     | Rosenstein | Tenjust   |
| Cahn   | Cunningham | Malloy      | Salomon    | Tompkins  |
| Cooke  | Fuller     | Mathews T F | Shanahan   | Wedemeyer |
| Cotton | Gurnett    | Newton      | Sheehy     |           |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 1014 (Senate reprint No. 1181), entitled "An act to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (Int. No. 454), with a message that said mayor, after a public hearing thereon, does not approve said bill, and does not accept the same.

Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 84

NOES 41

Those who voted in the affirmative were:

|            |         |              |              |              |
|------------|---------|--------------|--------------|--------------|
| Agnew      | Foelker | Maier        | Prentice     | Tenjost      |
| Allen F E  | Foster  | Matthews C R | Reeve        | Thompson G F |
| Allen J G  | Gardner | Merritt      | Rigby        | Thonet       |
| Bedell     | Gates   | Miller       | Rogers       | Waddell      |
| Beebe      | Grattan | Monroe       | Santee       | Wade         |
| Beihlf     | Gray    | Murphy       | Schoeneck    | Wadsworth    |
| Brooks     | Hammond | Newton       | Scovill      | Wainwright   |
| Burnett    | Hanford | Ogden        | Sheldon      | West         |
| Cadin      | Hapeman | O'Neill      | Shuttleworth | Wemple       |
| Callahan   | Hartman | Parker       | Slocum       | Whitney F G  |
| Carrier    | Hooker  | Patton       | Smith A P    | Whitney G H  |
| Coon       | Hooper  | Pendry       | Smith J E    | Wilsnack     |
| Cowan      | Hubbs   | Perry        | Smith J T    | Wilson       |
| Cox        | Hurd    | Phillips     | Standart     | Wood F X     |
| Cunningham | Knapp   | Plank        | Stanley      | Yale         |
| Etsel      | Leggett | Platt        | Steele       | Young        |
| Evans      | Lewis   | Pratt        | Stevens      |              |

Those who voted in the negative were:

|           |         |             |            |              |
|-----------|---------|-------------|------------|--------------|
| Bird      | Ellis   | La Fetra    | Reilly     | Smith R H    |
| Burns     | Everett | Machacek    | Rosenstein | Sullivan     |
| Burzynski | Fuller  | Mathews T F | Salomon    | Thompson J A |

|          |           |         |           |           |
|----------|-----------|---------|-----------|-----------|
| Byrne    | Grady     | McManus | Sammon    | Tompkins  |
| Cahn     | Gurnett   | Nugent  | Shanahan  | Wagner    |
| Caughlan | Hackett   | Palmer  | Sheehy    | Wedemeyer |
| Cooke    | Hornidge  | Prince  | Sherry    | Wiegand   |
| Dodd     | Kavanaugh | Quinn   | Smith A E | Wolf      |
| Donovan  |           |         |           |           |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 1068, entitled "An act to limit the time during which action may be taken for the removal of, or for damages by reason of, certain encroachments upon the streets, avenues and public places of the city of New York" (Int. No. 886), with a message that said mayor, after a public hearing thereon, does not approve said bill, and does not accept the same.

Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 84

NOES 42

Those who voted in the affirmative were:

|            |         |              |              |              |
|------------|---------|--------------|--------------|--------------|
| Agnew      | Foelker | Maier        | Prentice     | Tenjest      |
| Allen F E  | Foster  | Matthews C R | Reilly       | Thompson G F |
| Allen J G  | Gardner | Merritt      | Rigby        | Thonet       |
| Bedell     | Gates   | Monroe       | Rogers       | Waddell      |
| Beebe      | Grattan | Moreland     | Santee       | Wade         |
| Beihlf     | Gray    | Murphy       | Schoeneck    | Wadsworth    |
| Brooks     | Hammond | Newton       | Scovill      | Wainwright   |
| Burnett    | Hanford | Ogden        | Sheldon      | West         |
| Cadin      | Hapeman | O'Neill      | Shuttleworth | Wemple       |
| Callahan   | Hartman | Parker       | Slocum       | Whitney F G  |
| Carrier    | Hooker  | Patton       | Smith A P    | Whitney G H  |
| Coon       | Hooper  | Pendry       | Smith J E    | Wilsnack     |
| Cowan      | Hubbs   | Perry        | Smith J T    | Wilson       |
| Cox        | Hurd    | Phillips     | Standart     | Wood F X     |
| Cunningham | Knapp   | Plank        | Stanley      | Yale         |
| Etzel      | Leggett | Platt        | Steele       | Young        |
| Evans      | Lewis   | Pratt        | Stevens      |              |



Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Bird      | Ellis      | La Fetra    | Reilly     | Smith R H    |
| Burns     | Everett    | Machacek    | Rosenstein | Sullivan     |
| Burzynski | Fitzsimons | Mathews T F | Salomon    | Thompson J A |
| Byrne     | Fuller     | McManus     | Sammon     | Tompkins     |
| Cahn      | Grady      | Nugent      | Shanahan   | Wagner       |
| Caughlan  | Gurnett    | Palmer      | Sheehy     | Wedemeyer    |
| Cooke     | Hackett    | Prince      | Sherry     | Wiegand      |
| Dodd      | Hornidge   | Quinn       | Smith A E  | Wolf         |
| Donovan   | Kavanaugh  |             |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

Whereas, The uniform charter for cities of the second class was, at the time of its enactment, and has been limited ever since, in its application to the cities of Rochester, Syracuse, Albany and Troy; and

Whereas, By law, and by reason of the State enumeration, about to be taken, such charter will also become applicable to the cities of Utica, Yonkers and Schenectady January 1, 1906; and

Whereas, The conditions existing in the said last-named cities differ so materially from those of the said first-named cities, owing to the widely varying number of inhabitants thereof, that a revision of said charter is desirable to meet the requirements of said last-named cities; therefore, be it

Resolved (if the Assembly concur), That a joint committee is hereby constituted, consisting of three members of the Senate, to be appointed by the President thereof, and four members of the Assembly, to be appointed by the Speaker thereof, with full power and authority during the recess of the Legislature, to prepare a revision of the uniform charter for cities of the second class, so that its provisions shall be fully adapted to the conditions, needs and requirements of the cities about to come under its provisions, and also to recommend such legislation supplemental to the provisions of said charter as it shall deem in the public interest, and to submit the same to the Legislature for its consideration.

Such committee is hereby authorized to employ such counsel and stenographers as it may deem necessary in the performance of its duties, and in the preparation of the proposed legislation

to be submitted by such committee, and is also further authorized and empowered to appoint such subcommittee as it may deem necessary. Said committee and any subcommittee thereof are hereby authorized to hold sessions at such places in the State as it may deem proper, and it shall have all the powers of legislative committees as provided by law.

Said committee shall report to the Legislature on or before February 1, 1906, the result of its proceedings, together with such proposed legislation as it shall deem requisite. There is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the payment of the expenses hereby authorized, the sum of \$2,000, or so much thereof as may be necessary, to be paid by the treasurer upon the warrant of the Comptroller and the certificate of the chairman of the committee.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Pendry       | Smith J T    |
| Allen F E   | Cunningham | Hornidge     | Perry        | Standart     |
| Anderson    | Dale       | Hubbs        | Phillips     | Stanley      |
| Apgar       | Donovan    | Kavanaugh    | Plank        | Steele       |
| Bass        | Dowling    | Knapp        | Platt        | Stevens      |
| Becker      | Ellis      | La Rue       | Pratt        | Tenjost      |
| Beebe       | Etzel      | Leggett      | Prince       | Thompson G F |
| Beihlf      | Evans      | Lewis        | Quinn        | Thompson J A |
| Bird        | Everett    | Maier        | Reeve        | Thonet       |
| Bisland     | Fish       | Malloy       | Reilly       | Tompkins     |
| Brady       | Fitzsimons | Mathews T F  | Rigby        | Wade         |
| Brooks      | Foelker    | Matthews C R | Rogers       | Wagner       |
| Burnett     | Foster     | McKeown      | Rosenstein   | Wadsworth    |
| Burns       | Freidel    | McManus      | Salomon      | Wainwright   |
| Burzynski   | Fuller     | Mead         | Sammon       | West         |
| Byrne       | Gardner    | Merritt      | Santee       | Wemple       |
| Cadin       | Gates      | Monroe       | Scovill      | Whitney F G  |
| Callahan    | Grattan    | Moreland     | Shanahan     | Whitney G H  |
| Carrier     | Gray       | Murphy       | Sheehy       | Wiegand      |
| Caughlan    | Gurnett    | Newton       | Sheldon      | Wilsnack     |
| Charles W B | Hackett    | Ogden        | Shuttleworth | Wolf         |
| Cooke       | Hammond    | O'Neill      | Slocum       | Wood F C     |
| Coon        | Hanford    | Palmer       | Smith A P    | Wood F X     |
| Cotton      | Hartman    | Parker       | Smith A E    | Yale         |
| Coutant     | Hastings   | Patton       | Smith J E    | Young        |
| Cowan       |            |              |              |              |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment Assembly bill No. 1597, entitled "An act to amend the Penal Code, in relation to unauthorized advertisements for applicants for degrees or membership in any secret fraternity" (Int. No. 1242), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 262, entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 1353, entitled "An act to amend section 85 of chapter 568 of the Laws of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws'" (Int. No. 605), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 1466, entitled "An act to amend the Code of Civil Procedure, in relation to the petition for voluntary dissolution of a corporation" (Int. No. 516), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. James E. Mansfield, mayor of the city of Oswego, returning Assembly bill No. 2049, entitled "An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego,' by authorizing the city of Oswego to raise funds to meet deficit in its department of works" (Int. No. 1449), with a message that said

mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. James E. Mansfield, mayor of the city of Oswego, returning Assembly bill No. 1778, entitled "An act appropriating certain lands in the city of Oswego to the use of the Oswego Hospital" (Int. No. 1327), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John E. Andrus, mayor of the city of Yonkers, returning Assembly bill No. 1772, entitled "An act to repeal section 6 of title 10 of chapter 416 of the Laws of 1893, entitled 'An act in relation to the city court of Yonkers'" (Int. No. 1321), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John E. Andrus, mayor of the city of Yonkers, returning Assembly bill No. 1808, entitled "An act to amend section 11 of title 6 of chapter 635 of the Laws of 1895, entitled 'An act to revise the charter of the city of Yonkers,' as amended by chapter 241 of the Laws of 1899, as amended by chapter 477 of the Laws of 1903" (Int. No. 1341), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Henry S. Clark, mayor of the city of New Rochelle, returning Assembly bill No. 1446, entitled "An act to authorize the city of New Rochelle to borrow money for street improvements and issue bonds therefor" (Int. No. 1160), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Erastus C. Knight, mayor of the city of Buffalo, returning Assembly bill No. 2048, entitled "An act to authorize the city of Buffalo to acquire the Indian burying ground on Buffam street in the city of Buffalo for park purposes and authorizing the issue of bonds with which to pay for the same and embellishing and improving said grounds" (Int. No. 1448), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Jonathan D. Wilson, mayor of the city of Newburgh, returning Assembly bill No. 2011, entitled "An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh in the county of Orange,' in relation to the corporate name and terms of the commissioners of the almshouse" (Int. No. 382), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, *May 4, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 1597, entitled "An act to amend the Penal Code, in relation to unauthorized advertisements for applicants for degrees or membership in any secret fraternity." (Int. No. 1242.)

FRANK W. HIGGINS.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:



"An act to amend the Banking Law, in relation to the impairment of capital and making assessment to make good such impairment." (No. 1644, Int. No. 523.)

"An act to amend the Insurance Law in relation to the incorporation of fraternal beneficiary societies, orders or associations." (No. 839, Int. No. 740.)

"An act to amend the Consolidated School Law, relative to the alteration of school districts having a bonded indebtedness." (No. 1919, Int. No. 1064.)

"An act to amend the Code of Civil Procedure, relating to judgments in matrimonial actions." (No. 959, Int. No. 312.)

"An act to amend the Benevolent Orders Law, relative to power of trustees to issue bonds." (No. 933, Int. No. 804.)

"An act to amend chapter 130 of the Laws of 1897, entitled 'An act to provide for the application and distribution of receipts from premiums collected and to be collected from foreign fire insurance companies doing business in the State under and pursuant to chapter 604 of the Laws of 1886, on insurance on property in the village of Patchogue, Suffolk county,' in relation to the custody and disposition of such receipts." (No. 1982, Int. No. 1422.)

"An act to amend the Code of Civil Procedure relative to the power and jurisdiction of justices of the peace in certain instances." (No. 790, Int. No. 703.)

"An act to amend chapter 673 of the Laws of 1904, entitled 'An act to provide for the erection of a suitable monument to commemorate the services of the Fifth Regiment, New York State Volunteer Infantry (Duryee's Zouaves), who were engaged in the battle of Second Bull Run or Manassas Plains, Virginia, and making an appropriation therefor,' relative to the apportionment of commissioners to procure a site and defining their powers and duties." (No. 2064, Int. No. 1346.)

"An act to amend the Insanity Law, relative to visits of certain institutions by commission and medical inspector." (No. 2082, Int. No. 1467.)

"An act to amend chapter 40 of the Laws of 1888, entitled 'An act to incorporate the city of Hornellsville,' relating to city elections and city officers." (No. 1890, Int. No. 1398.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act relating to the appointment of employees of the fire department of the city of New York to the uniformed force of the said department." (No. 2330, Int. No. 945.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to legalize, ratify and confirm an assessment for a local improvement in the city of Syracuse." (No. 2274, Int. No. 1394.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Syracuse.

"An act in relation to unpaid taxes, and sales for unpaid taxes in the towns, villages and school districts in the county of Richmond, as the same existed prior to January 1, 1898, the time of the taking effect of the Greater New York charter." (No. 2038, Int. No. 1314.)

"An act to amend the Greater New York charter, relative to certain officers of the municipal court of the city of New York." (No. 439, Int. No. 418.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

The Senate returned the following entitled bills:

"An act making appropriations for construction, additions and improvements at the State hospitals for the insane, and for the construction of a reception hospital in the city of New York." (No. 1998, Senate reprint No. 1459, Int. No. 1436.)

"An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve." (No. 490, Senate reprint No. 1292, Int. No. 460.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of

lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects." (No. 2080, Senate reprint No. 1497, Int. No. 26.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to release to Francis Neher all the right, title and interest of the people of the State of New York in and to certain real estate situated in the Twenty-second ward of the city and county and State of New York, acquired by escheat, upon the death of Elizabeth Mattson." (No. 2059, Senate reprint No. 1426, Int. No. 1302.)

"An act to amend the Code of Civil Procedure, in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties." (No. 1183, Senate reprint No. 1399, Int. No. 397.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act relating to the acquisition of property by the city of New York for a water supply, and providing for prompt payment therefor, and for damages occasioned by the acquisition thereof; providing for use and care of reservoirs owned by said city; and providing for the construction and maintenance of highways and bridges." (No. 1972, Senate reprint No. 1470, Int. No. 1318.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the following entitled bills, with a message that they have reconsidered their vote by which said bills passed, and as amended having again passed the same:

"An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments." (No. 1143, reprint No. 2338, Int. No. 502.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Binghamton.

"An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits." (No. 957, reprint No. 2341, Int. No. 476.)

"An act to provide a purchasing agent for the county of Schenectady, and regulating the management of said office." (No. 1414, reprint No. 2340, Int. No. 964.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill (No. 315, Assembly reprint No. 2317) entitled "An act to amend the Civil Service Law, in relation to veterans" (Rec. No. 154), with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

On motion of Mr. Rogers, the House adjourned.

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FRIDAY, MAY 5, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the first annual report of the Board of Statutory Consolidation of the State of New York, which was laid upon the table and ordered printed.

(See Document.)

Mr. Agnew introduced a bill entitled "An act to amend the Tax Law, providing for a recording tax on real property mortgages" (Int. No. 1604), which was read the first time and referred to the committee on taxation.

The Senate sent for concurrence the bill (No. 1532) entitled "An act relative to the inspection of hotels and the revocation of liquor tax certificates" (Rec. No. 497), which was read the first time.

On motion of Mr. Prentice, and by unanimous consent, said bill was substituted for Assembly bill No. 2370, Int. No. 1599, same title and subject, now a special order on second and third reading.

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1532 (Int. No. 1031), entitled "An act relative to the inspection of hotels and the revocation of liquor tax certificates," as amended.

Given under my hand and the privy seal of the State, at the Capitol in the city of Albany, this fourth day of  
[L. s.] May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 88

NOES 41

Those who voted in the affirmative were:

|                |            |         |          |                      |
|----------------|------------|---------|----------|----------------------|
| Agnew          | Coutant    | Hurd    | Plank    | Steele               |
| A <sup>E</sup> | Cowan      | Knapp   | Platt    | Stevens <sup>7</sup> |
| Allen J G      | Cox        | La Rue  | Pratt    | Thompson G F         |
| Appar          | Cunningham | Leggett | Prentice | Waddell              |



|             |          |              |              |             |
|-------------|----------|--------------|--------------|-------------|
| Bass        | Evans    | Lewis        | Reeve        | Wade        |
| Becker      | Fish     | Maier        | Rigby        | Wadsworth   |
| Bedell      | Foelker  | Matthews C R | Rogers       | Wainwright  |
| Beebe       | Foster   | Mead         | Santee       | West        |
| Beihlf      | Gardner  | Miller       | Scovill      | Wemple      |
| Brady       | Gates    | Monroe       | Sheldon      | Whitney F G |
| Burnett     | Grattan  | Moreland     | Shuttleworth | Whitney G H |
| Cadin       | Hammond  | Murphy       | Slocum       | Wilsnack    |
| Callahan    | Hanford  | Newton       | Smith A P    | Wilson      |
| Carrier     | Hapeman  | Ogden        | Smith J E    | Wood F C    |
| Charles E E | Hastings | O'Neill      | Smith J T    | Wood F X    |
| Charles W B | Hooker   | Parker       | Standart     | Yale        |
| Coon        | Hooper   | Patton       | Stanley      | Young       |
| Cotton      | Hubbs    | Phillips     |              |             |

Those who voted in the negative were:

|          |            |             |            |           |
|----------|------------|-------------|------------|-----------|
| Anderson | Ellis      | Hackett     | Prince     | Sherry    |
| Brooks   | Etzel      | Kavanaugh   | Quinn      | Smith A E |
| Burns    | Everett    | La Fetra    | Reilly     | Smith R H |
| Byrne    | Fitzsimons | Malloy      | Rosenstein | Tompkins  |
| Cahn     | Francisco  | Mathews T F | Salomon    | Wagner    |
| Cooke    | Freidel    | Nugent      | Sammon     | Wedemeyer |
| Dale     | Fuller     | Palmer      | Schoeneck  | Wiegand   |
| Dodd     | Grady      | Pendry      | Shanahan   | Wolf      |
| Donovan  |            |             |            |           |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bills:

"An act to legalize, ratify and confirm a special election, held in the city of Little Falls in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city, and all proceedings connected therewith" (No. 1530, Rec. No. 498), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 507 of the Laws of 1903, entitled 'An act to abolish certain grade crossings of highways and railroads in the borough of Brooklyn in the city of New York and county of Kings, and providing for necessary changes in the grades of highways, streets and avenues, and of portions of the railroad and right of way of the New York, Brooklyn and Manhattan Beach Railway Company, leased to the Long Island Railroad Company, and of the Brooklyn Union Elevated Railroad

Company, leased to the Brooklyn Heights Railroad Company, so as to abolish present and avoid future crossings at grade, and providing means for the payment for such alterations or changes' ” (No. 1063, Rec. No. 499), which was read the first time.

On motion of Mr. McKeown, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. McKeown, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hapeman      | Parker       | Smith J T    |
| Allen F E   | Coutant    | Hartman      | Patton       | Standart     |
| Allen J G   | Cowan      | Hastings     | Pendry       | Stanley      |
| Anderson    | Cox        | Hooker       | Perry        | Steele       |
| Apgar       | Cunningham | Hooper       | Phillips     | Sullivan     |
| Bass        | Dodd       | Hornidge     | Plank        | Tenjest      |
| Becker      | Donovan    | Hubbs        | Platt        | Thompson G F |
| Bedell      | Dowling    | Hurd         | Pratt        | Thompson J A |
| Beebe       | Ellis      | Kavanaugh    | Prentice     | Thonet       |
| Beihlf      | Etzel      | Knapp        | Prince       | Tompkins     |
| Bird        | Evans      | La Fetra     | Quinn        | Wade         |
| Bisland     | Everett    | Leggett      | Reilly       | Wagner       |
| Brady       | Fish       | Lewis        | Rigby        | Wadsworth    |
| Brooks      | Fitzsimons | Maier        | Rogers       | Wainwright   |
| Burnett     | Foelker    | Malloy       | Rosenstein   | Wedemeyer    |
| Burns       | Foster     | Mathews T F  | Salomon      | West         |
| Burzynski   | Francisco  | Matthews C R | Sammon       | Wemple       |
| Byrne       | Freidel    | McKeown      | Santee       | Whitney F G  |
| Cadin       | Fuller     | McManus      | Schoeneck    | Whitney G H  |
| Cahn        | Gardner    | Mead         | Scovill      | Wilsnack     |
| Callahan    | Gates      | Merritt      | Sheehy       | Wilson       |
| Carrier     | Grady      | Miller       | Sheldon      | Wolf         |
| Caughlan    | Gray       | Moreland     | Sherry       | Wood F C     |
| Charles E E | Gurnett    | Newton       | Shuttleworth | Wood F X     |
| Charles W B | Hackett    | Nugent       | Smith A P    | Yale         |
| Cooke       | Hammond    | Ogden        | Smith A E    | Young        |
| Coon        | Hanford    | Palmer       | Smith J E    |              |

In the negative:

Shanahan

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend section 406 of chapter 466 of the Laws of 1901, entitled 'An act to amend the Greater New York charter, chapter 378 of the Laws of 1897,' relating to the duties of superintendents; appointments and removal of subordinates in the bureau of buildings" (No. 945, Rec. No. 500), which was read the first time.

On motion of Mr. Stanley, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Stanley, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Coutant    | Hapeman      | Ogden      | Smith A E    |
| Allen F E   | Cowan      | Hartman      | Palmer     | Smith J T    |
| Allen J G   | Cox        | Hastings     | Parker     | Smith R H    |
| Anderson    | Cunningham | Hooker       | Patton     | Stanley      |
| Apgar       | Dale       | Hooper       | Pendry     | Steele       |
| Bass        | Dodd       | Hornidge     | Perry      | Stevens      |
| Becker      | Donovan    | Hubbs        | Phillips   | Sullivan     |
| Bedell      | Dowling    | Kavanaugh    | Plank      | Tenjost      |
| Beebe       | Ellis      | Knapp        | Platt      | Thompson G F |
| Beihlf      | Etzel      | La Fetra     | Pratt      | Thonet       |
| Bird        | Evans      | Leggett      | Prince     | Tompkins     |
| Bisland     | Everett    | Machacek     | Quinn      | Waddell      |
| Brady       | Fish       | Maier        | Reeve      | Wagner       |
| Brooks      | Fitzsimons | Malloy       | Rigby      | Wadsworth    |
| Burnett     | Foelker    | Mathews T F  | Rogers     | Wedemeyer    |
| Burzynski   | Foster     | Matthews C R | Rosenstein | West         |
| Byrne       | Freidel    | McKeown      | Salomon    | Wemple       |
| Cadin       | Fuller     | McManus      | Santee     | Whitney G H  |
| Cahn        | Gardner    | Mead         | Schoeneck  | Wiegand      |
| Carrier     | Gates      | Merritt      | Shanahan   | Wilsnack     |
| Caughlan    | Grady      | Miller       | Sheehy     | Wolf         |
| Charles E E | Grattan    | Moreland     | Sheldon    | Wood F C     |

|             |         |        |              |          |
|-------------|---------|--------|--------------|----------|
| Charles W B | Gray    | Murphy | Shuttleworth | Wood F X |
| Cooke       | Hackett | Newton | Slocum       | Yale     |
| Coon        | Hammond | Nugent | Smith A P    | Young    |
| Cotton      | Hanford |        |              |          |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend section 32 of chapter 6 of the general laws in relation to the forms of registration at elections" (No. 1259, Rec. No. 501), which was read the first time.

On motion of Mr. Cox, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Cox, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hammond      | Patton       | Smith J T    |
| Allen F E   | Coutant    | Hanford      | Pendry       | Smith R H    |
| Allen J G   | Cowan      | Hapeman      | Perry        | Standart     |
| Anderson    | Cox        | Hastings     | Phillips     | Steele       |
| Apgar       | Cunningham | Hooker       | Plank        | Stevens      |
| Bass        | Dale       | Hornidge     | Platt        | Sullivan     |
| Becker      | Dodd       | Hubbs        | Pratt        | Tenjost      |
| Bedell      | Donovan    | Hurd         | Prentice     | Thompson G F |
| Beebe       | Dowling    | Knapp        | Quinn        | Thonet       |
| Beihlf      | Ellis      | La Fetra     | Reeve        | Tompkins     |
| Bird        | Etzel      | Leggett      | Reilly       | Waddell      |
| Bisland     | Evans      | Lewis        | Rogers       | Wagner       |
| Brady       | Everett    | Maier        | Rosenstein   | Wadsworth    |
| Brooks      | Fish       | Malloy       | Sammon       | Wainwright   |
| Burnett     | Fitzsimons | Mathews T F  | Santee       | Wedemeyer    |
| Burns       | Foelker    | Matthews C R | Schoeneck    | West         |
| Burzynski   | Foster     | McKeown      | Scovill      | Wemple       |
| Byrne       | Francisco  | McManus      | Shanahan     | Whitney G H  |
| Cahn        | Freidel    | Mead         | Sheehy       | Wiegand      |
| Callahan    | Fuller     | Miller       | Sheldon      | Wilsnack     |
| Carrier     | Gardner    | Monroe       | Sherry       | Wolf         |
| Caughlan    | Gates      | Murphy       | Shuttleworth | Wood F C     |
| Charles E E | Grady      | Nugent       | Slocum       | Wood F X     |
| Charles W B | Grattan    | Ogden        | Smith A E    | Yale         |
| Cooke       | Gray       | Palmer       | Smith A E    | Young        |
| Coon        | Hackett    | Parker       | Smith J E    |              |



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act authorizing the board of estimate and apportionment of the city of New York to audit and allow and also authorizing the comptroller of the city of New York to pay to Valentine M. Collins compensation for services actually rendered to the city of New York in the department of education in the years 1899 and 1900 " (No. 25, Rec. No. 502), which was read the first time.

On motion of Mr. Dowling, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Dowling, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present:

AYES 125

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Donovan    | Hornidge     | Pendry       | Smith J E    |
| Allen F E   | Dowling    | Hubbs        | Perry        | Smith R H    |
| Allen J G   | Etzel      | Hurd         | Phillips     | Standart     |
| Apgar       | Evans      | Kavanaugh    | Plank        | Stanley      |
| Bass        | Everett    | Knapp        | Platt        | Stevens      |
| Bedell      | Fish       | La Fetra     | Prentice     | Sullivan     |
| Beebe       | Fitzsimons | La Rue       | Prince       | Tenjost      |
| Beihlf      | Foster     | Leggett      | Quinn        | Thompson G F |
| Bjstrand    | Francisco  | Lewis        | Reeve        | Thompson J A |
| Brady       | Freidel    | Machacek     | Reilly       | Thonet       |
| Burnett     | Fuller     | Malloy       | Rigby        | Tompkins     |
| Burns       | Gardner    | Mathews T F  | Rogers       | Waddell      |
| Burzynski   | Gates      | Matthews C R | Salomon      | Wagner       |
| Cadin       | Grady      | McKeown      | Sammon       | Wainwright   |
| Cahn        | Grattan    | McManus      | Santee       | Wedemeyer    |
| Carrier     | Gray       | Mead         | Schoeneck    | West         |
| Caughlan    | Gurnett    | Miller       | Scovill      | Whitney F G  |
| Charles W B | Hackett    | Monroe       | Shanahan     | Whitney G H  |
| Coon        | Hammond    | Murphy       | Sheehy       | Wilsnack     |
| Cotton      | Hanford    | Newton       | Sheldon      | Wilson       |
| Coutant     | Hapeman    | Nugent       | Sherry       | Wolf         |
| Cowan       | Hartman    | O'Neill      | Shuttleworth | Wood F C     |
| Cox         | Hastings   | Palmer       | Slocum       | Wood F X     |
| Cunningham  | Hooker     | Parker       | Smith A P    | Yale         |
| Dodd        | Hooper     | Patton       | Smith A E    | Young        |



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to repeal chapter 117 of the Laws of 1901, entitled 'An act to amend the Tax Law, in relation to the taxation of savings banks' and to amend section 194 of the Tax Law to harmonize with said repeal" (No. 153, Rec. No. 503), which was read the first time and referred to the committee on rules.

"An act to confirm to the owners of real property fronting on the southerly side of Atlantic avenue, between Emmet and Hicks streets, and fronting on the easterly side of Emmet street, between Atlantic avenue and Amity street, in the borough of Brooklyn, county of Kings, city of New York, the right to maintain buildings and improvements as they now exist" (No. 1503, Rec. No. 504), which was read the first time.

On motion of Mr. McKeown, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. McKeown, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cox        | Hooper    | Perry    | Smith R H    |
| Allen F E | Cunningham | Hornidge  | Phillips | Standart     |
| Allen J G | Dale       | Hubbs     | Plank    | Stanley      |
| Anderson  | Dodd       | Hurd      | Platt    | Steele       |
| Apgar     | Donovan    | Kavanaugh | Pratt    | Stevens      |
| Bass      | Dowling    | Knapp     | Prentice | Sullivan     |
| Becker    | Ellis      | La Fetra  | Prince   | Thompson G F |
| Bedell    | Etsel      | La Rue    | Quinn    | Thompson J A |
| Beebe     | Evans      | Leggett   | Reeve    | Thonet       |
| Beihilf   | Everett    | Lewis     | Reilly   | Tompkins     |
| Bird      | Fish       | Machacek  | Rigby    | Waddell      |
| Bisland   | Fitzsimons | Maier     | Rogers   | Wade         |

|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Brady       | Foelker   | Malloy       | Rosenstein   | Wagner      |
| Brooks      | Foster    | Mathews T F  | Salomon      | Wadsworth   |
| Burnett     | Francisco | Matthews C R | Sammon       | Wainwright  |
| Burns       | Freidel   | McKeown      | Santee       | Wedemeyer   |
| Byrne       | Fuller    | McManus      | Schoeneck    | West        |
| Cadin       | Gardner   | Mead         | Scovill      | Wemple      |
| Cahn        | Gates     | Miller       | Shanahan     | Whitney F G |
| Callahan    | Grattan   | Monroe       | Sheehy       | Whitney G H |
| Carrier     | Gray      | Moreland     | Sheldon      | Wiegand     |
| Caughlan    | Gurnett   | Murphy       | Sherry       | Wilsnack    |
| Charles E E | Hackett   | Newton       | Shuttleworth | Wilson      |
| Charles W B | Hammond   | Nugent       | Slocum       | Wolf        |
| Cooke       | Hanford   | O'Neill      | Smith A P    | Wood F C    |
| Coon        | Hapeman   | Palmer       | Smith A E    | Wood F X    |
| Cotton      | Hartman   | Parker       | Smith J E    | Yale        |
| Coutant     | Hastings  | Patton       | Smith J T    | Young       |
| Cowan       | Hooker    | Pendry       |              |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to authorize the board of estimate and apportionment of the city of New York to refund any and all assessments levied and paid under and pursuant to chapter 57 of the Laws of 1896" (No. 1282, Rec. No. 505), which was read the first time.

On motion of Mr. La Petra, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. La Petra, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were :

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Coon       | Hastings  | Patton   | Smith J T    |
| Allen F E | Cotton     | Hooker    | Pendry   | Smith R H    |
| Allen J G | Coutant    | Hornidge  | Perry    | Standart     |
| Anderson  | Cowan      | Hubbs     | Phillips | Stanley      |
| Apgar     | Cox        | Hurd      | Plank    | Steele       |
| Bass      | Cunningham | Kavanaugh | Platt    | Stevens      |
| Becker    | Dale       | Knapp     | Pratt    | Sullivan     |
| Bedell    | Donovan    | La R      | rentice  | Thompson G F |

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Beebe       | Dowling    | Leggett      | Prince     | Thompson J A |
| Beihjlf     | Ellis      | Lewis        | Quinn      | Thonet       |
| Bird        | Etzel      | Machacek     | Reeve      | Waddell      |
| Bisland     | Everett    | Malloy       | Reilly     | Wagner       |
| Brady       | Fish       | Mathews T F  | Rogers     | Wadsworth    |
| Brooks      | Fitzsimons | Matthews C R | Rosenstein | Wainwright   |
| Burnett     | Foelker    | McKeown      | Salomon    | West         |
| Burns       | Foster     | McManus      | Sammon     | Wemple       |
| Burzynski   | Francisco  | Mead         | Santee     | Whitney G H  |
| Byrne       | Freidel    | Miller       | Scovill    | Wiegand      |
| Cadin       | Gardner    | Monroe       | Shanahan   | Wilsnack     |
| Cahn        | Gates      | Murphy       | Sheehy     | Wilson       |
| Callahan    | Grattan    | Newton       | Sheldon    | Wolf         |
| Carrier     | Gray       | Nugent       | Sherry     | Wood F C     |
| Caughlan    | Hackett    | Ogden        | Slocum     | Wood F X     |
| Charles E E | Hammond    | Palmer       | Smith A P  | Yale         |
| Charles W B | Hanford    | Parker       | Smith A E  | Young        |
| Cooke       | Hartman    |              |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the same without amendment, and that the same be made special orders on third reading immediately:

Senate, "An act to amend the Greater New York charter, relative to commitments to the State Reformatory for Women at Bedford." (No. 257, Assembly reprint No. 2368, Rec. No. 62.)

"An act to legalize the acts of Ada R. Mollison, a commissioner of deeds." (No. 2366, Int. No. 1596.)

Senate, "An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law." (No. 902, Assembly reprint No. 2183, Rec. No. 219.)

"An act for the regulation of fares on electric street surface railroads in cities of the State containing a population of 1,000,000 or over, and to provide for the issue of transfer tickets thereon." (No. 2165, Int. No. 1503.)

Which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled bills, reported in favor of the

passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported:

"An act relative to the inspection of hotels and the revocation of liquor tax certificates in certain cases." (No. 2370, Int. No. 1599.)

"An act to amend section 1355 of the Greater New York charter relative to justices of the municipal court of the city of New York." (No. 2301, Int. No. 1462.)

"An act to provide for the repairing of the Montezuma turn-pike across Montezuma marsh, and making an appropriation therefor." (No. 368, Int. No. 368.)

"An act to amend the Penal Code, in relation to unlawful exclusion of persons from theatres or places of amusement." (No. 2287, Int. No. 1562.)

Senate, "An act to amend the Liquor Tax Law in relation to local option, persons who shall not traffic in liquors, cancellation proceedings, convictions, and reports and fees of county clerks." (No. 1288, Assembly reprint No. 2373, Rec. No. 394.)

"An act to repeal chapter 283 of the Laws of 1905, entitled 'An act to amend chapter 506 of the Laws of 1902, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties."'" (No. 2365, Int. No. 1586.)

"An act to legalize, ratify and confirm a special election, held in the city of Little Falls in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city and all proceedings connected therewith." (No. 2367, Int. No. 1597.)

Which report was agreed to and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.



Mr. Speaker, from the committee on rules, to which was referred the Senate bill (No. 1075) entitled "An act to amend the County Law relating to matrons in county jails" (Rec. No. 288), reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to and said bill ordered made a special order on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the following entitled Senate bills, reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported:

"An act to amend chapter 676 of the Laws of 1898, entitled 'An act to create a Metropolitan Elections District; provide for the appointment of a State Superintendent therein, and to prescribe his powers and duties,' generally." (No. 1427, Rec. No. 476.)

"An act to amend the Election Law, generally." (No. 1376, Rec. No. 475.)

"An act to legalize, ratify and confirm a special election, held in the city of Little Falls in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city and all proceedings connected therewith." (No. 1530, Rec. No. 498.)

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to the department of police." (No. 1328, Rec. No. 398.)

"An act providing for clearing out the channel between upper and lower Chateaugay lakes, in the county of Clinton, and making an appropriation therefor." (No. 1127, Rec. No. 381.)

"An act to amend sections 4, 53, 81 and 114 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting



articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws.'” (No. 1269, Rec. No. 97.)

“An act ratifying the laying out and construction of Pelham avenue, from Webster avenue to Southern boulevard in the borough of the Bronx in the city of New York, and authorizing persons assessed for said work to apply to the Supreme Court, First Department, for relief from the assessment laid or paid therefor.” (No. 691, Rec. No. 374.)

“An act to release to Franklin Grady the right, title and interest of the people of the State of New York in and to certain real estate situated in the city of New York, borough of the Bronx, State of New York, and in the proceeds of said real estate.” (No. 1141, Rec. No. 457.)

“An act to provide for the retaxation by the Appellate Division of the Supreme Court of the State of New York for the Second Judicial Department of the claim of Nelson J. Waterbury, Jr., as surviving partner of the firm of N. J. & N. J. Waterbury, Jr., for services rendered by them for the city of New York in the trial of the claim of George R. Sheldon, as assignee of William H. de Forrest, under the provisions of chapter 490 of the Laws of 1883, entitled ‘An act to provide new reservoirs, dams and a new aqueduct with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water’ and the acts amendatory thereof.” (No. 1066, Rec. No. 372.)

“An act to amend chapter 537 of the Laws of 1893, entitled ‘An act providing for ascertaining and paying the amount of damages to lands and buildings, suffered by reason of changes of grade of streets or avenues, made pursuant to chapter 721 of the Laws of 1887, providing for the depression of railroad tracks in the Twenty-third and Twenty-fourth wards, in the city of New York or otherwise,’ as amended by chapter 567 of the Laws of 1894, by chapter 729 of the Laws of 1900 and by other amendatory acts, relative to damages caused by changes of grade to certain property in the Twenty-third and Twenty-fourth wards of the borough of the Bronx of the city of New York, by permitting

the filing of claims and the awarding of damages as to such property by the commission constituted by chapter 537 of the Laws of 1893 as so amended." (No. 1484, Rec. No. 488.)

"An act to amend section 544 of the Penal Code of the State of New York." (No. 1393, Rec. No. 495.)

Which report was agreed to and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution to print 15,000 copies of the report of the committee on improvement of highways, reported in favor of the passage of the same without amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and its was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooker       | Pendry       | Smith R H    |
| Allen F E   | Cox        | Hooper       | Perry        | Standart     |
| Allen J G   | Cunningham | Hornidge     | Phillips     | Steele       |
| Anderson    | Dodd       | Hubbs        | Plank        | Stevens      |
| Apgar       | Donovan    | Hurd         | Platt        | Sullivan     |
| Bass        | Dowling    | Kavanaugh    | Pratt        | Tenjest      |
| Becker      | Ellis      | Knapp        | Prentice     | Thompson G F |
| Bedell      | Etzel      | La Fetra     | Prince       | Thompson J A |
| Beebe       | Evans      | La Rue       | Quinn        | Thonet       |
| Beihlf      | Everett    | Leggett      | Reeve        | Tompkins     |
| Bisland     | Fish       | Lewis        | Reilly       | Waddell      |
| Brady       | Fitzsimons | Machacek     | Rigby        | Wade         |
| Brooks      | Foelker    | Maier        | Rogers       | Wagner       |
| Burnett     | Foster     | Malloy       | Rosenstein   | Wadsworth    |
| Burns       | Francisco  | Mathews T F  | Salomon      | Wainwright   |
| Burzynski   | Freidel    | Matthews C R | Sammon       | Wedemeyer    |
| Byrne       | Fuller     | McKeown      | Santee       | Wemple       |
| Cadin       | Gardner    | McManus      | Schoeneck    | Whitney F G  |
| Cahn        | Gates      | Mead         | Scovill      | Whitney G H  |
| Callahan    | Grattan    | Merritt      | Shanahan     | Wiegand      |
| Carrier     | Gray       | Miller       | Sheehy       | Wilsnack     |
| Caughlan    | Gurnett    | Moreland     | Sheldon      | Wilson       |
| Charles E E | Hackett    | Murphy       | Sherry       | Wolf         |
| Charles W B | Hammond    | Newton       | Shuttleworth | Wood F C     |
| Cooke       | Hanford    | Ogden        | Slocum       | Wood F X     |
| Coon        | Hapeman    | Palmer       | Smith A E    | Yale         |
| Cotton      | Hartman    | Parker       | Smith J E    | Young        |
| Coutant     | Hastings   | Patton       | Smith J T    |              |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the resolution offered by Mr. C. R. Matthews, in relation to the appointment of a commission to investigate Indian affairs, reported in favor of the passage of the same without amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES- 131

NOES 00

Those who voted in the affirmative were :

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooker       | Patton       | Stanley      |
| Allen F E   | Cox        | Hooper       | Pendry       | Steele       |
| Allen J G   | Cunningham | Hornidge     | Perry        | Stevens      |
| Anderson    | Dale       | Hubbs        | Phillips     | Sullivan     |
| Apgar       | Dodd       | Hurd         | Platt        | Tenjest      |
| Bass        | Dowling    | Kavanaugh    | Pratt        | Thompson G F |
| Becker      | Ellis      | Knapp        | Prentice     | Thompson J A |
| Bedell      | Etzel      | La Fetra     | Prince       | Thonet       |
| Beebe       | Evans      | La Rue       | Reeve        | Tompkins     |
| Beihilf     | Everett    | Lewis        | Reilly       | Waddell      |
| Bird        | Fish       | Machacek     | Rigby        | Wade         |
| Bisland     | Fitzsimons | Maier        | Rogers       | Wagner       |
| Brady       | Foelker    | Malloy       | Rosenstein   | Wadsworth    |
| Brooks      | Foster     | Mathews T F  | Sammon       | Wainwright   |
| Burnett     | Francisco  | Matthews C R | Santee       | Wedemeyer    |
| Burzynski   | Freidel    | McKeown      | Schoeneck    | West         |
| Byrne       | Gardner    | McManus      | Scovill      | Wemple       |
| Cadin       | Gates      | Merritt      | Shanahan     | Whitney F G  |
| Cahn        | Grady      | Miller       | Sheldon      | Whitney G H  |
| Callahan    | Grattan    | Monroe       | Sherry       | Wiegand      |
| Carrier     | Gray       | Moreland     | Shuttleworth | Wilsnack     |
| Caughlan    | Hackett    | Newton       | Smith A P    | Wilson       |
| Charles E E | Hammond    | Nugent       | Smith A E    | Wood F C     |
| Charles W B | Hanford    | Ogden        | Smith J E    | Wood F X     |
| Cooke       | Hapeman    | Palmer       | Smith R H    | Yale         |
| Cotton      | Hastings   | Parker       | Standart     | Young        |
| Coutant     |            |              |              |              |

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution in relation to printing 2,500 copies of the report of the memorial of the late ex-Senator Jacob Worth, reported in favor of the passage of the same amended to read as follows :

Resolved (if the Senate concur), That 2,500 copies of the report of the memorial of the late Assemblyman Frederic E. Perham be printed for the use of the members of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cunningham | Hooper       | Pendry     | Smith R H    |
| Allen F E   | Dale       | Hornidge     | Perry      | Standart     |
| Anderson    | Dodd       | Hubbs        | Phillips   | Stevens      |
| Apgar       | Donovan    | Hurd         | Plank      | Sullivan     |
| Bass        | Ellis      | Kavanaugh    | Platt      | Tenjest      |
| Becker      | Etzel      | La Fetra     | Pratt      | Thompson G F |
| Beebe       | Evans      | La Rue       | Prentice   | Thompson J A |
| Beihlf      | Everett    | Leggett      | Prince     | Thonet       |
| Bird        | Fish       | Lewis        | Quinn      | Tompkins     |
| Bisland     | Fitzsimons | Machacek     | Reeve      | Waddell      |
| Brady       | Foelker    | Maier        | Reilly     | Wade         |
| Burnett     | Foster     | Malloy       | Rigby      | Wagner       |
| Burns       | Freidel    | Mathews T F  | Rosenstein | Wadsworth    |
| Burzynski   | Fuller     | Matthews C R | Salomon    | Wainwright   |
| Byrne       | Gardner    | McKeown      | Sammon     | Wedemeyer    |
| Cadin       | Gates      | McManus      | Schoeneck  | West         |
| Callahan    | Grady      | Merritt      | Scovill    | Wemple       |
| Carrier     | Grattan    | Miller       | Shanahan   | Whitney F G  |
| Caughlan    | Gray       | Moreland     | Sheehy     | Whitney G H  |
| Charles E E | Gurnett    | Murphy       | Sheldon    | Wilsnack     |
| Charles W B | Hackett    | Newton       | Sherry     | Wilson       |
| Cooke       | Hammond    | Ogden        | Slocum     | Wolf         |
| Coon        | Hanford    | O'Neill      | Smith A P  | Wood F C     |
| Cotton      | Hapeman    | Palmer       | Smith A E  | Wood F X     |
| Coutant     | Hartman    | Parker       | Smith J E  | Yale         |
| Cowan       | Hastings   | Patton       | Smith J T  | Young        |
| Cox         | Hooker     |              |            |              |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to provide for the construction of a lift or hoist bridge over the Erie canal, on Seneca street, in the city of Utica, and making an appropriation therefor, and authorizing the city of

Utica to raise money for the construction thereof." (No. 12, Int. No. 12.)

"An act to amend the Tax Law in relation to the taxation of debts secured by mortgages." (No. 2363, Int. No. 1585.)

"An act to incorporate Third Franciscan Order, Minor Conventuals." (No. 2362, Int. No. 1595.)

"An act for the preservation of the building known as the Billop House in the county of Richmond, and to authorize the acquisition of title thereto and to lands adjacent to the same for historical purposes." (No. 97, Int. No. 97.)

"An act to appropriate money for the building of an elevated foot bridge over the Champlain canal in the town of Waterford." (No. 1817, Int. No. 1350.)

"An act to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor." (No. 2364, Int. No. 1594.)

"An act for the preservation of "Andre's prison" at Tappan, and making an appropriation therefor." (No. 252, Int. No. 252.)

"An act to amend section 50 of the Greater New York charter, relative to the use of streets, possessions, etc." (No. 2236, Int. No. 1539.)

"An act to amend the Greater New York charter, with relation to the appointment of firemen." (No. 2320, Int. No. 1568.)

"An act to legalize, ratify and confirm a special election, held in the city of Little Falls, in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city and all proceedings connected therewith." (No. 2367, Int. No. 1597.)

"An act relative to the inspection of hotels and the revocation of liquor tax certificates in certain cases." (No. 2370, Int. No. 1599.)

"An act to amend the Penal Code, in relation to unlawful ex-



clusion of persons from theatres or places of amusement." (No. 2287, Int. No. 1562.)

"An act to legalize the acts of Ada R. Mollison, a commissioner of deeds." (No. 2366, Int. No. 1596.)

"An act to amend section 1355 of the Greater New York charter relative to justices of the municipal court of the city of New York." (No. 2301, Int. No. 1462.)

"An act to provide for the repairing of the Montezuma turnpike across Montezuma marsh, and making an appropriation therefor." (No. 368, Int. No. 368.)

"An act for the regulation of fares on electric street surface railroads in cities of the State containing a population of 1,000,000 or over, and to provide for the issue of transfer tickets thereon." (No. 2165, Int. No. 1503.)

"An act to repeal chapter 283 of the Laws of 1905, entitled 'An act to amend chapter 506 of the Laws of 1902, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties."'" (No. 2365, Int. No. 1586.)

Mr. Leggett, from the committee on privileges and elections, submitted the following report:

#### STATE OF NEW YORK.

In the Matter of the Contest of J. Harvey Waite for the seat in the Assembly of the State of New York, now held by Charles J. Dodd of the Sixth Assembly District of the County of Kings.

*To the Honorable the Assembly of the State of New York:*

Your committee on privileges and elections, to whom was referred the petition of J. Harvey Waite of the Sixth Assembly district of the county of Kings, State of New York, claiming that he was duly elected to the Assembly from the said Sixth Assembly district of the county of Kings, at the last general election, and that he is entitled to the seat in this body now held by the Hon. Charles J. Dodd, respectfully reports:

That they met and organized at the Hotel Cadillac, in the city of New York, on the 13th day of January, 1905; that the

contestant, J. Harvey Waite, appeared before your committee in person and by his attorney, William W. Wingate, Esq., of 44 Court street, Brooklyn, N. Y.; that the contestee, the Hon. Charles J. Dodd, also appeared in person and by his counsel, Frank X. McCaffry, Esq., of 391 Fulton street, borough of Brooklyn, N. Y.

That the contestant filed his petition in writing, which was duly verified, praying for the removal of the contestee from the seat he now occupies in the Assembly of the State of New York, and alleging the nomination of himself, as the Republican candidate for the office of Assemblyman in the Sixth district of Kings county, and the nomination of the said contestee by the Democratic party as its candidate for said office in the said Sixth Assembly district of the county of Kings, and further alleging that said Charles J. Dodd had filed an alleged certificate of independent nomination by which his name was placed on the official ballot under the emblem of the People's party; that in securing said certificate of independent nomination fraud was practiced and false representation made. That a large number of persons who signed said certificate were not residents or electors in the said Sixth Assembly district of Kings county at the time of signing the same; that others were not citizens of the State of New York or of the United States; that many of the signatures were duplicated; that some were forgeries; that a large number of the signers of said certificate of independent nomination did not take the necessary oath before a notary or other competent officer to administer oaths, showing a compliance with the Election Law in such cases; by reason of which the necessary 500 legal signatures were not obtained to said petition and that the same was therefore illegal and void.

And said petitioner further alleges and claims in his said petition, that the said Charles J. Dodd was declared elected Assemblyman of said district by the official canvass thereof by a majority of 55 votes, that of the whole number of votes counted for him in said canvass, 65 were cast under the emblem of the People's party, and that by reason of the said false and fraudulent petition filed, the said 65 votes were illegally cast and should not have been counted, and that the petitioner was accordingly elected over said Charles J. Dodd by a majority of 10 votes.

The contestee filed his duly verified answer to said petition, in which he denies the allegation of fraud and all of the mate-

rial allegations set out in said petition and asked that the same be dismissed.

Your committee further reports that they met at various times in the city of New York and in the borough of Brooklyn and were attended by the parties to this contest and their respective attorneys. A large number of witnesses were produced and sworn, nearly or quite 100 in all, mostly on behalf of the contestant. The effort of the contestant was to show fraud in procuring the certificate of independent nomination which was filed by the contestee herein, and the evidence produced did show many violations of the Election Law.

Evidence was produced showing that 22 subscribers to this petition circulated in behalf of the contestee and upon which he obtained his nomination for member of Assembly in the Peoples party, were not residents of the Assembly district in which the said contestee resides. That the addresses given by four others proved to be where there are vacant lots only; that two signed more than one sheet; that one was not a citizen and one was not of age.

This certificate of independent nomination was further attacked upon the ground that many of the signers of said certificate did not comply with section 57 of the Election Law, which provides that each person signing a certificate for independent nomination shall make oath that he is an elector, and has truly stated his residence, and that he intends to support the candidate named in the certificate. A large number of witnesses were sworn upon this point by the contestant, who claims that at least 75 of the signers of said certificate did not take the oath required by said section 57 of the Election Law. Upon this question there is a great conflict in the evidence. The notaries, before whom the various parties signing said certificate appeared and made oath, were called by the contestee, who testified that the oath was properly administered to practically all of the signers of said certificate.

Your committee have been somewhat embarrassed in arriving at a conclusion in this controversy on account of the great volume and conflict of evidence which has been produced before it, but after hearing all of the evidence produced by the respective parties and listening to the arguments of counsel, and after due consideration of the same, we find and respectfully report that, although many violations of the Election Law in procuring the certificate of independent nomination on the part of the

contestee herein have been proven by the contestant, inasmuch as said certificate purports to be subscribed by 579 persons, and that number of names were signed thereto, not a sufficient number, in the opinion of your committee, have been proven to be fraudulent to bring the legal number of signatures thereto below 500, and therefore said certificate of independent nomination was valid, and the petition of the contestant herein should be dismissed.

Your committee further finds and reports that Hon. Charles J. Dodd was elected member of Assembly from the Sixth Assembly district of the county of Kings at the election held therein November 9, 1904, and is entitled to the seat in the Assembly of the State of New York, now held by him.

All of which is respectfully submitted.

Dated May 2, 1905.

JOHN H. LEGGETT,

*Chairman.*

WM. J. GRATTAN.

OSCAR L. THONET.

HENRY L. GATES.

J. E. SMITH.

L. J. SHUTTLEWORTH.

HARRY H. DALE.

PETER J. EVERETT.

GEO. WM. KAVANAGH.

Mr. Leggett moved that said report be adopted.

Mr. Speaker put the question whether the House would agree to the adoption of said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cotton     | Hooker    | Patton   | Smith J E    |
| Allen F E | Cowan      | Hooper    | Pendry   | Smith J T    |
| Allen J G | Cox        | Hubbs     | Perry    | Smith R H    |
| Anderson  | Cunningham | Kavanaugh | Phillips | Standart     |
| Apgar     | Dale       | Knapp     | Plank    | Steele       |
| Bass      | Donovan    | La Fetra  | Platt    | Sullivan     |
| Becker    | Dowling    | La Rue    | Prentice | Thompson G F |
| Bedell    | Ellis      | Leggett   | Prince   | Thompson J A |



|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Beebe       | Evans      | Machacek     | Quinn        | Tompkins    |
| Beihlf      | Everett    | Maier        | Reeve        | Waddell     |
| Bisland     | Fitzsimons | Malloy       | Reilly       | Wade        |
| Brady       | Foelker    | Mathews T F  | Rogers       | Wadsworth   |
| Brooks      | Foster     | Matthews C R | Rosenstein   | Wainwright  |
| Burnett     | Freidel    | McKeown      | Salomon      | Wedemeyer   |
| Burzynski   | Fuller     | McManus      | Sammon       | Wemple      |
| Byrne       | Gardner    | Mead         | Santee       | Whitney F G |
| Cadin       | Gates      | Merritt      | Scovill      | Whitney G H |
| Cahn        | Grattan    | Monroe       | Shanahan     | Wilsnack    |
| Callahan    | Gray       | Moreland     | Sheehy       | Wilson      |
| Carrier     | Gurnett    | Newton       | Sherry       | Wolf        |
| Charles E E | Hackett    | Nugent       | Shuttleworth | Wood F C    |
| Charles W B | Hanford    | Ogden        | Slocum       | Wood F X    |
| Cooke       | Hapeman    | Palmer       | Smith A P    | Yale        |
| Coon        | Hartman    | Parker       | Smith A E    | Young       |

Mr. Leggett, from the committee on privileges and elections, submitted the following report:

#### STATE OF NEW YORK.

In the Matter of the Contest of Samuel J. Palmer, for the seat in the Assembly of the State of New York, now held by Thomas F. Mathews, of the Thirteenth Assembly District of the County of Kings.

*To the Honorable the Assembly of the State of New York:*

Your committee on privileges and elections, to whom was referred the petition of Samuel J. Palmer of the Thirteenth Assembly district of the county of Kings, State of New York, claiming that he was elected to the Assembly from the said Thirteenth Assembly district of the county of Kings at the last general election, and that he is entitled to the seat in this body now held by the Hon. Thomas F. Mathews, respectfully report:

That after having organized at the Hotel Cadilac, in the city of New York, on January 13, 1905, your committee were occupied for several weeks with the contest of Waite versus Dodd, and it was on or about February 24, 1905, that this case was taken up. That the contestant, Samuel J. Palmer, appeared before your committee in person and by his attorney, James Taylor, Esq., of No. 356 Fulton street, Brooklyn, N. Y.; that the contestee, the Hon. Thomas F. Mathews, also appeared in person and by his counsel, Julius Seigelman, Esq., of 861 Manhattan avenue, Brooklyn, N. Y.

That the contestant filed a duly verified petition praying for the removal of the contestee, the Hon. Thomas F. Mathews, from the seat he now occupies in the Assembly of the State



of New York, and alleging, among other things, that the contestant was duly nominated as a candidate on the Republican ticket for member of Assembly from the said Thirteenth Assembly district of Kings county; that according to the returns of the board of canvassers Thomas F. Mathews, the contestee herein, and the nominee of the Democratic party for said member of Assembly, received 96 more votes than the petitioner for said office; that the returns of the inspectors of election in the various election districts comprising said Thirteenth Assembly district are erroneous, incorrect and false and do not correctly state the count of the ballots as had at said general election; that the returns of the board of canvassers show no alleged defective ballots in said Assembly district, whereas as a matter of fact there were 146 ballots classed as defective by the inspectors of election in the various districts in said Thirteenth Assembly district, which should have been counted for the petitioner, and if so counted he would have been elected over the contestee by a majority of 50 votes.

That in the first, second and third election districts in said Assembly district such corrupt practices, illegal registration and illegal and corrupt influences obtained that the returns from said districts do not represent the vote of the people and they should be declared void.

That the contestee filed his answer in writing, which was duly verified, in which he denies all of the material allegations set forth in the petition of the contestant herein and asks that the same be dismissed.

That various hearings were had before your committee in this matter which were attended by the contestant and contestee herein and their respective attorneys.

Several witnesses were sworn on the part of the contestant, one from the county clerk's office of Kings county, who testified that he was custodian of records. He produced the returns made to the county clerk of said county of Kings of void and defective ballots from the various election districts of the said Thirteenth Assembly district and testified to the number from each district, the total number of which, according to this testimony, is 55.

Another witness for contestant testified to having attended a canvass of votes by the board of aldermen for assemblyman in the Thirteenth district, who said that he saw the tally sheets filed by the inspectors of election from the various districts, which were produced there and that he looked at them and made memo-

randa of the void and defective ballots in each election district; he testified as to the number of these ballots in each district, which in the aggregate amounted to one hundred and fifty-five, showing a difference of one hundred between the figures of the witness and the records in the said county clerk's office. This evidence was taken under objection and can have little weight when compared with the actual records from the county clerk's office.

No evidence was produced showing that any of the void and defective ballots were for the contestant or should have been counted for him.

The contestant tried to show by one or two witnesses that corrupt influences had been attempted in some districts shortly prior to election, but the evidence produced utterly failed to show this.

Your committee therefore finds and reports after a due consideration of all of the evidence produced upon the hearing herein that the allegations and charges made by the contestant in his petition have not been sustained by the evidence and that his said petition should be dismissed.

Your committee further finds and reports that the Hon. Thomas F. Mathews was duly elected by a plurality of all the votes cast in his Assembly district at the election on November 8, 1904, and is entitled to the seat now held by him as member of Assembly for the Thirteenth Assembly district in the county of Kings for the year 1905, and we recommend the adoption of the following resolution:

Resolved, That the Hon. Thomas F. Mathews was duly elected and is entitled to hold the seat now occupied by him in the Assembly of the State of New York as the representative from the Thirteenth Assembly district, borough of Brooklyn, county of Kings.

All of which is respectfully submitted.

Dated May 2, 1905.

JOHN H. LEGGETT,

*Chairman.*

WM. J. GRATTAN,

OSCAR L. THONET,

HENRY L. GATES,

J. E. SMITH,

L. J. SHUTTLEWORTH,

HARRY H. DALE,

PETER J. GURNETT,

GEO. WM. KAVANAGH.

Mr. Leggett moved that said report be adopted.

Mr. Speaker put the question whether the House would agree to the adoption of said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Coutant    | Hapeman     | Parker       | Smith J E    |
| Allen F E   | Cowan      | Hartman     | Patton       | Smith J T    |
| Allen J G   | Cox        | Hastings    | Pendry       | Smith R H    |
| Anderson    | Cunningham | Hooker      | Perry        | Standart     |
| Apgar       | Dale       | Hooper      | Phillips     | Stanley      |
| Bass        | Dodd       | Hubbs       | Plank        | Steele       |
| Becker      | Donovan    | Hurd        | Platt        | Stevens      |
| Bedell      | Dowling    | Kavanaugh   | Pratt        | Sullivan     |
| Beebe       | Ellis      | Knapp       | Prentice     | Tenjost      |
| Beihilf     | Etzel      | La Rue      | Prince       | Thompson G F |
| Bird        | Evans      | Leggett     | Quinn        | Thonet       |
| Bisland     | Everett    | Lewis       | Reeve        | Tompkins     |
| Brady       | Fish       | Machacek    | Reilly       | Waddell      |
| Brooks      | Fitzsimons | Maier       | Rigby        | Wade         |
| Burnett     | Foelker    | Mathews T F | Rogers       | Wagner       |
| Burns       | Foster     | Mathews C R | Rosenstein   | Wainwright   |
| Burzynski   | Francisco  | McKeown     | Salomon      | Wedemeyer    |
| Byrne       | Freidel    | McManus     | Sammon       | West         |
| Cadin       | Fuller     | Mead        | Santee       | Whitney F G  |
| Cahn        | Gardner    | Merritt     | Scovill      | Whitney G H  |
| Callahan    | Gates      | Monroe      | Shanahan     | Wiegand      |
| Carrier     | Grady      | Moreland    | Sheehy       | Wilsnack     |
| Caughlan    | Grattan    | Murphy      | Sheldon      | Wilson       |
| Charles E E | Gray       | Newton      | Sherry       | Wood F C     |
| Charles W B | Hackett    | Nugent      | Shuttleworth | Wood F X     |
| Cooke       | Hammond    | Ogden       | Slocum       | Yale         |
| Coon        | Hanford    | Palmer      | Smith A P    | Young        |
| Cotton      |            |             |              |              |

By unanimous consent,

The committee on ways and means introduced a bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" (Int. No. 1603), which was read the first time.

On motion of Mr. Rogers, and by unanimous consent, said bill was read the second time and ordered to a third reading and printed.

Said bill having been announced for a third reading,

Mr. Palmer moved that said bill be recommitted to the com-

mittee on ways and means, with instructions to report the same forthwith amended as follows:

Strike out last item under head of "Comptroller," page 4 of bill, reappropriating \$49,283.19.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 39

NOES 83

Those who voted in the affirmative were:

|           |            |             |           |           |
|-----------|------------|-------------|-----------|-----------|
| Bird      | Fitzsimons | Malloy      | Salomon   | Sullivan  |
| Burzynski | Fuller     | Mathews T F | Sammon    | Tompkins  |
| Caughlan  | Grady      | Nugent      | Shanahan  | Wagner    |
| Cooke     | Hackett    | Palmer      | Sheehy    | Wedemeyer |
| Dodd      | Kavanaugh  | Prince      | Sherry    | Wiegand   |
| Donovan   | La Fetra   | Quinn       | Smith A E | Wolf      |
| Everett   | Machacek   | Rosenstein  | Smith R H |           |

Those who voted in the negative were:

|             |          |              |              |              |
|-------------|----------|--------------|--------------|--------------|
| Agnew       | Evans    | Leggett      | Phillips     | Steele       |
| Allen F E   | Foster   | Lewis        | Plank        | Tenjost      |
| Allen J G   | Freidel  | Maier        | Platt        | Thompson G F |
| Apgar       | Gardner  | Matthews C R | Pratt        | Thonet       |
| Bass        | Gates    | Mead         | Prentice     | Waddell      |
| Bedell      | Gray     | Merritt      | Reeve        | Wade         |
| Beihlf      | Hammond  | Miller       | Rigby        | Wadsworth    |
| Brady       | Hanford  | Monroe       | Rogers       | Wainwright   |
| Brooks      | Hapeman  | Moreland     | Santee       | Wemple       |
| Burnett     | Hartman  | Murphy       | Schoeneck    | Whitney F G  |
| Carrier     | Hastings | Newton       | Scovill      | Whitney G H  |
| Charles E E | Hooker   | Ogden        | Sheldon      | Wilsnack     |
| Charles W B | Hooper   | O'Neill      | Shuttleworth | Wilson       |
| Coon        | Hubbs    | Parker       | Smith J T    | Wood F X     |
| Cotton      | Hurd     | Patton       | Standart     | Yale         |
| Cowan       | Knapp    | Pendry       | Stanley      | Young        |
| Cunningham  | La Rue   | Perry        |              |              |

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2381 (Int. No.

1603), entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

Given under my hand and the privy seal of the State  
at the Capitol in the city of Albany, this fourth day  
[L. s.] of May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,  
*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Perry        | Smith J T    |
| Allen F E   | Cowan      | Hastings     | Phillips     | Standart     |
| Allen J G   | Cox        | Hooker       | Plank        | Stanley      |
| Apgar       | Cunningham | Hooper       | Platt        | Stevens      |
| Bass        | Dale       | Hornidge     | Pratt        | Sullivan     |
| Becker      | Dodd       | Hubbs        | Prentice     | Tenjost      |
| Bedell      | Donovan    | Hurd         | Prince       | Thompson G F |
| Beebe       | Dowling    | Knapp        | Reeve        | Thompson J A |
| Bird        | Ellis      | La Fetra     | Reilly       | Thonet       |
| Bisland     | Etzel      | La Rue       | Rigby        | Tompkins     |
| Brady       | Evans      | Lewis        | Rogers       | Waddell      |
| Brooks      | Everett    | Maier        | Salomon      | Wade         |
| Burnett     | Fish       | Malloy       | Sammon       | Wadsworth    |
| Burns       | Foelker    | Mathews T F  | Santee       | Wainwright   |
| Burzynski   | Foster     | Matthews C R | Schoeneck    | Wedemeyer    |
| Byrne       | Freidel    | McKeown      | Scovill      | West         |
| Cadin       | Fuller     | McManus      | Shanahan     | Wemple       |
| Cahn        | Gardner    | Merritt      | Sheehy       | Whitney G H  |
| Callahan    | Grady      | Miller       | Sheldon      | Wiegand      |
| Carrier     | Grattan    | Monroe       | Sherry       | Wilsnack     |
| Caughlan    | Gray       | Murphy       | Shuttleworth | Wolf         |
| Charles E E | Gurnett    | Nugent       | Slocum       | Wood F C     |
| Charles W B | Hackett    | Ogden        | Smith A P    | Wood F X     |
| Cooke       | Hammond    | Palmer       | Smith A E    | Yale         |
| Coon        | Hanford    | Parker       | Smith J E    | Young        |
| Cotton      | Hapeman    | Patton       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.



By unanimous consent,

Mr. Rogers introduced a bill entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds" (Int. No. 1602), which was read the first time.

On motion of Mr. Rogers, and by unanimous consent, said bill was read the second time and ordered to a third reading and printed.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2380 (Int. No. 1602), entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds."

Given under my hand and the privy seal of the State  
at the Capitol in the city of Albany, this fourth day  
[L. s.] of May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|           |         |          |          |           |
|-----------|---------|----------|----------|-----------|
| Agnew     | Cotton  | Hapeman  | Patton   | Smith J E |
| Allen F E | Coutant | Hastings | Pendry   | Smith J T |
| Allen J G | Cowan   | Hooper   | Perry    | Smith R H |
| Anderson  | Cox     | Hornidge | Phillips | Standart  |

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Apgar       | Cunningham | Hurd        | Plank        | Steele       |
| Bass        | Dodd       | Kavanaugh   | Platt        | Stevens      |
| Becker      | Donovan    | La Fetra    | Pratt        | Tenjost      |
| Beebe       | Dowling    | La Rue      | Prentice     | Thompson G F |
| Beihlf      | Ellis      | Leggett     | Prince       | Thompson J A |
| Bird        | Evans      | Lewis       | Quinn        | Tompkins     |
| Bisland     | Everett    | Machacek    | Reeve        | Waddell      |
| Brady       | Fish       | Malloy      | Reilly       | Wade         |
| Brooks      | Fitzsimons | Mathews T F | Rigby        | Wagner       |
| Burnett     | Foelker    | Mathews C R | Rogers       | Wadsworth    |
| Burns       | Foster     | McKeown     | Salomon      | Wedemeyer    |
| Burzynski   | Francisco  | McManus     | Sammon       | West         |
| Byrne       | Freidel    | Merritt     | Santee       | Whitney F G  |
| Cadin       | Fuller     | Miller      | Schoeneck    | Whitney G H  |
| Cahn        | Gates      | Monroe      | Scovill      | Wiegand      |
| Callahan    | Grady      | Moreland    | Sheehy       | Wilson       |
| Carrier     | Grattan    | Newton      | Sheldon      | Wolf         |
| Charles E E | Gray       | Nugent      | Sherry       | Wood F C     |
| Charles W B | Hackett    | O'Neill     | Shuttleworth | Wood F X     |
| Cooke       | Hammond    | Palmer      | Slocum       | Young        |
| Coon        | Hanford    | Parker      | Smith A P    |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Fish moved to reconsider the vote by which the resolution relating to the formulation of rules of procedure in the matter of the proceedings by virtue of section 11 of article 6 of the Constitution, for the removal of Warren B. Hooker, a justice of the Supreme Court.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 127

NOES 3

Those who voted in the affirmative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Agnew     | Coutant    | Hapeman     | Pendry     | Standart     |
| Allen F E | Cox        | Hastings    | Perry      | Stanley      |
| Allen J G | Cunningham | Hooper      | Phillips   | Steele       |
| Anderson  | Dale       | Hornidge    | Plank      | Stevens      |
| Bass      | Dodd       | Hubbs       | Platt      | Tenjost      |
| Becker    | Dowling    | Hurd        | Pratt      | Thompson G F |
| Bedell    | Ellis      | Kavanaugh   | Prentice   | Thompson J A |
| Beebe     | Etzel      | Knapp       | Prince     | Thonet       |
| Beihlf    | Evans      | La Rue      | Quinn      | Tompkins     |
| Bird      | Everett    | Lewis       | Reilly     | Waddell      |
| Brady     | Fish       | Machacek    | Rigby      | Wade         |
| Brooks    | Fitzsimons | Malloy      | Rogers     | Wagner       |
| Burnett   | Foelker    | Mathews T F | Rosenstein | Wainwright   |
| Burns     | Foster     | Mathews C R | Sammon     | Wedemeyer    |
| Burzynski | Francisco  | McKeown     | Santee     | West         |
| Byrne     | Freidel    | McManus     | Schoeneck  | Wemple       |
| Cadin     | Fuller     | Mead        | Shanahan   | Whitney F G  |
| Cahn      | Gardner    | Miller      | Sheehy     | Whitney G H  |

|             |         |          |              |          |
|-------------|---------|----------|--------------|----------|
| Callahan    | Gates   | Monroe   | Sherry       | Wilsnack |
| Carrier     | Grady   | Moreland | Shuttleworth | Wilson   |
| Caughlan    | Grattan | Newton   | Slocum       | Wolf     |
| Charles E E | Gray    | Nugent   | Smith A P    | Wood F C |
| Charles W B | Gurnett | O'Neill  | Smith A E    | Wood F X |
| Cooke       | Hackett | Parker   | Smith J T    | Yale     |
| Coon        | Hammond | Patton   | Smith R H    | Young    |
| Cotton      | Hanford |          |              |          |

Those who voted in the negative were:

|         |         |        |
|---------|---------|--------|
| Hartman | Merritt | Palmer |
|---------|---------|--------|

Mr. Fish offered for the consideration of the House a resolution, in the words following:

Resolved, That it be referred to the committee on the judiciary to formulate rules of practice and procedure in the matter of the proceedings in pursuance of section 11 of article 6 of the Constitution for the removal of Warren B. Hooker from the office of justice of the Supreme Court, with a statement of the cause alleged for such removal and report the same to the Assembly; and that the committee have leave to sit during recess at such place or places within the State as it may see fit, and employ such assistants as may be necessary.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 6

Those who voted in the affirmative were:

|           |            |              |           |              |
|-----------|------------|--------------|-----------|--------------|
| Agnew     | Cox        | Hornidge     | Phillips  | Smith R H    |
| Allen F E | Cunningham | Hubbs        | Plank     | Stanley      |
| Allen J G | Dale       | Hurd         | Platt     | Steele       |
| Anderson  | Dodd       | Knapp        | Prentice  | Stevens      |
| Apgar     | Donovan    | La Fetra     | Prince    | Sullivan     |
| Becker    | Dowling    | La Rue       | Quinn     | Tenjost      |
| Bedell    | Ellis      | Leggett      | Reeve     | Thompson G F |
| Beebe     | Etzel      | Lewis        | Reilly    | Thompson J A |
| Beihlf    | Everett    | Machacek     | Rigby     | Waddell      |
| Bird      | Fish       | Maier        | Rogers    | Wagner       |
| Bisland   | Fitzsimons | Malloy       | Salomon   | Wadsworth    |
| Brady     | Foelker    | Mathews T F  | Sammon    | Wainwright   |
| Burnett   | Foster     | Matthews C R | Santee    | Wedemeyer    |
| Burns     | Freidel    | McKeown      | Schoeneck | West         |
| Burzynski | Fuller     | Mead         | Scovill   | Wemple       |
| Byrne     | Gardner    | Miller       | Shanahan  | Whitney F G  |
| Cahn      | Grady      | Moreland     | Sheehy    | Whitney G H  |
| Carrier   | Grattan    | Murphy       | Sheldon   | Wilsnack     |

|             |          |         |              |          |
|-------------|----------|---------|--------------|----------|
| Caughlan    | Gray     | Nugent  | Sherry       | Wilson   |
| Charles W B | Hackett  | O'Neill | Shuttleworth | Wolf     |
| Cooke       | Hammond  | Parker  | Slocum       | Wood F C |
| Coon        | Hapeman  | Patton  | Smith A E    | Wood F X |
| Cotton      | Hartman  | Pendry  | Smith J E    | Yale     |
| Coutant     | Hastings | Perry   | Smith J T    | Young    |
| Cowan       | Hooker   |         |              |          |

Those who voted in the negative were:

|         |        |       |        |          |
|---------|--------|-------|--------|----------|
| Hanford | Palmer | Pratt | Thonet | Tompkins |
| Merritt |        |       |        |          |

Mr. Speaker announced the special order, being the Senate bill (No. 1427) entitled "An act to amend chapter 676 of the Laws of 1898, entitled 'An act to create a Metropolitan Elections District; provide for the appointment of a State Superintendent therein, and to prescribe his powers and duties,' generally." (Rec. No. 476.)

Debate was had thereon, when

Mr. Burnett moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 96

NOES 32

Those who voted in the affirmative were:

|           |            |              |          |              |
|-----------|------------|--------------|----------|--------------|
| Agnew     | Cunningham | Hooper       | Pendry   | Stanley      |
| Allen F E | Dowling    | Hubbs        | Perry    | Steele       |
| Allen J G | Etzel      | Hurd         | Phillips | Stevens      |
| Apgar     | Evans      | Knapp        | Plank    | Tenjost      |
| Bass      | Fish       | La Rue       | Platt    | Thompson G F |
| Becker    | Foster     | Leggett      | Pratt    | Thonet       |
| Bedell    | Francisco  | Lewis        | Prentice | Waddell      |
| Beebe     | Freidel    | Maier        | Reeve    | Wade         |
| Beihlf    | Gardner    | Matthews C R | Rigby    | Wadsworth    |
| Bisland   | Gates      | Mead         | Rogers   | Wainwright   |

|             |          |         |              |             |
|-------------|----------|---------|--------------|-------------|
| Brady       | Grattan  | Merritt | Santee       | West        |
| Brooks      | Gray     | Miller  | Schoeneck    | Wemple      |
| Burnett     | Gurnett  | Monroe  | Scovill      | Whitney F G |
| Carrier     | Hammond  | Murphy  | Shuttleworth | Whitney G H |
| Charles W B | Hanford  | Newton  | Slocum       | Wilsnack    |
| Coon        | Hapeman  | Ogden   | Smith A P    | Wilson      |
| Cotton      | Hartman  | O'Neill | Smith J E    | Wood F X    |
| Coutant     | Hastings | Parker  | Smith J T    | Yale        |
| Cowan       | Hooker   | Patton  | Standart     | Young       |
| Cox         |          |         |              |             |

Those who voted in the negative were:

|           |            |           |            |           |
|-----------|------------|-----------|------------|-----------|
| Anderson  | Donovan    | Kavanaugh | Reilly     | Sherry    |
| Burzynski | Ellis      | La Fetra  | Rosenstein | Smith A E |
| Cahn      | Everett    | Malloy    | Salomon    | Smith R H |
| Caughlan  | Fitzsimons | McKeown   | Sammon     | Tompkins  |
| Cooke     | Fuller     | Palmer    | Shanahan   | Wedemeyer |
| Dale      | Grady      | Prince    | Sheehy     | Wiegand   |
| Dodd      | Hackett    |           |            |           |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Rogers moved a close call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

|             |            |           |              |              |
|-------------|------------|-----------|--------------|--------------|
| Agnew       | Cunningham | Hooker    | Perry        | Standart     |
| Allen F E   | Dale       | Hooper    | Phillips     | Stanley      |
| Allen J G   | Donovan    | Hubbs     | Plank        | Steele       |
| Anderson    | Dowling    | Hurd      | Platt        | Stevens      |
| Apgar       | Ellis      | Kavanaugh | Pratt        | Tenjust      |
| Bass        | Etzel      | Knapp     | Prentice     | Thompson G F |
| Becker      | Evans      | La Fetra  | Prince       | Thompson J A |
| Bedell      | Everett    | La Rue    | Reeve        | Thonet       |
| Beebe       | Fish       | Leggett   | Reilly       | Tompkins     |
| Beihilf     | Fitzsimons | Lewis     | Rigby        | Waddell      |
| Bird        | Foelker    | Maier     | Rogers       | Wagner       |
| Bisland     | Foster     | Malloy    | Rosenstein   | Wadsworth    |
| Brooks      | Francisco  | Mead      | Salomon      | Wainwright   |
| Burnett     | Freidel    | Merritt   | Sammon       | Wedemeyer    |
| Cadin       | Fuller     | Miller    | Santee       | West         |
| Cahn        | Gardner    | Monroe    | Schoeneck    | Wemple       |
| Callahan    | Gates      | Moreland  | Scovill      | Whitney F G  |
| Carrier     | Grady      | Murphy    | Shanahan     | Whitney G H  |
| Caughlan    | Grattan    | Newton    | Sheehy       | Wiegand      |
| Charles E E | Gray       | Nugent    | Sheldon      | Wilsnack     |
| Charles W B | Gurnett    | Ogden     | Sherry       | Wilson       |
| Coon        | Hackett    | O'Neill   | Shuttleworth | Wolf         |
| Cotton      | Hammond    | Palmer    | Slocum       | Wood F C     |
| Coutant     | Hanford    | Parker    | Smith A P    | Wood F X     |
| Cowan       | Hapeman    | Patton    | Smith A E    | Yale         |
| Cox         | Hartman    | Pendry    | Smith J E    | Young        |



Mr. Speaker announced the special order, being the Senate bill (No. 1376) entitled "An act to amend the Election Law, generally." (Rec. No. 475.)

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 31

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry       | Stanley      |
| Allen F E   | Cunningham | Hubbs        | Perry        | Steele       |
| Allen J G   | Dowling    | Hurd         | Phillips     | Stevens      |
| Appar       | Etzel      | Knapp        | Plank        | Tenjost      |
| Bass        | Evans      | La Rue       | Platt        | Thompson G F |
| Becker      | Fish       | Leggett      | Pratt        | Thonet       |
| Bedell      | Foelker    | Lewis        | Prentice     | Waddell      |
| Beebe       | Foster     | Maier        | Reeve        | Wade         |
| Beihlf      | Francisco  | Matthews C R | Rigby        | Wadsworth    |
| Brady       | Freidel    | Mead         | Rogers       | Wainwright   |
| Brooks      | Gardner    | Merritt      | Santee       | West         |
| Burnett     | Gates      | Miller       | Schoneck     | Wemple       |
| Cadin       | Grattan    | Monroe       | Scovill      | Whitney F G  |
| Callahan    | Gray       | Moreland     | Sheldon      | Whitney G H  |
| Carrier     | Hammond    | Murphy       | Shuttleworth | Wilsnack     |
| Charles E E | Hanford    | Newton       | Slocum       | Wilson       |
| Charles W B | Hapeman    | Ogden        | Smith A P    | Wood F C     |
| Coon        | Hartman    | O'Neill      | Smith J E    | Wood F X     |
| Cotton      | Hastings   | Parker       | Smith J T    | Yale         |
| Cowan       | Hooker     | Patton       | Standart     | Young        |

Those who voted in the negative were:

|           |            |             |            |           |
|-----------|------------|-------------|------------|-----------|
| Bird      | Ellis      | Mathews T F | Reilly     | Smith A E |
| Burzynski | Fitzsimons | McKeown     | Rosenstein | Smith R H |
| Byrne     | Fuller     | McManus     | Salomon    | Tompkins  |
| Cahn      | Grady      | Nugent      | Sammon     | Wagner    |
| Caughlan  | Hackett    | Palmer      | Shanahan   | Wedemeyer |
| Dodd      | Malloy     | Prince      | Sherry     | Wiegand   |
| Donovan   |            |             |            |           |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 257, Assembly reprint No. 2368) entitled "An act to amend the Greater New York charter, relative to commitments to the State Reformatory for Women at Bedford." (Rec. No. 62.)

On motion of Mr. Apgar, said bill was read the second time, and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

|             |             |              |              |              |
|-------------|-------------|--------------|--------------|--------------|
| Agnew       | Charles W B | Gurnett      | Nugent       | Smith J E    |
| Allen F E   | Cooke       | Hammond      | O'Neill      | Smith J T    |
| Allen J G   | Coon        | Hanford      | Parker       | Standart     |
| Anderson    | Cotton      | Hartman      | Patton       | Stanley      |
| Apgar       | Coutant     | Hastings     | Pendry       | Stevens      |
| Bass        | Cowan       | Hooker       | Perry        | Sullivan     |
| Becker      | Cunningham  | Hornidge     | Phillips     | Tenjost      |
| Bedell      | Dale        | Hubbs        | Plank        | Thompson G F |
| Beebe       | Dodd        | Hurd         | Platt        | Thompson J T |
| Beihlf      | Donovan     | Knapp        | Pratt        | Thonet       |
| Bird        | Ellis       | La Fetra     | Prince       | Waddell      |
| Bisland     | Etzel       | Leggett      | Reeve        | Wade         |
| Brady       | Everett     | Lewis        | Reilly       | Wagner       |
| Brooks      | Fish        | Maier        | Rogers       | Wainwright   |
| Burnett     | Fitzsimons  | Malloy       | Rosenstein   | Wedemeyer    |
| Burns       | Foelker     | Mathews T F  | Salomon      | West         |
| Burzynski   | Foster      | Matthews C R | Santee       | Whitney F G  |
| Byrne       | Francisco   | McKeown      | Schoeneck    | Whitney G H  |
| Cadin       | Freidel     | McManus      | Scovill      | Wilsnack     |
| Cahn        | Fuller      | Merritt      | Sheehy       | Wilson       |
| Callahan    | Gates       | Miller       | Sheldon      | Wolf         |
| Carrier     | Grady       | Moreland     | Shuttleworth | Wood F X     |
| Caughlan    | Grattan     | Murphy       | Slocum       | Yale         |
| Charles E E | Gray        | Newton       | Smith A E    | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the bill (No. 2366) entitled "An act to legalize the acts of Ada R. Mollison, a commissioner of deeds." (Int. No. 1596.)

On motion of Mr. Dodd, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Pendry       | Smith J E    |
| Allen F E   | Cowan      | Hastings     | Perry        | Smith R H    |
| Allen J G   | Cox        | Hooker       | Phillips     | Stanley      |
| Anderson    | Dale       | Hornidge     | Plank        | Steele       |
| Apgar       | Dodd       | Hubbs        | Platt        | Stevens      |
| Bass        | Donovan    | Hurd         | Pratt        | Tenjost      |
| Becker      | Dowling    | Knapp        | Prentice     | Thompson G F |
| Bedell      | Etzel      | La Petra     | Prince       | Thonet       |
| Beihilf     | Evans      | Leggett      | Quinn        | Tompkins     |
| Bisland     | Everett    | Machacek     | Reeve        | Waddell      |
| Brady       | Fish       | Maier        | Reilly       | Wade         |
| Brooks      | Fitzsimons | Malloy       | Rigby        | Wagner       |
| Burnett     | Foelker    | Matthews C R | Rogers       | Wainwright   |
| Burzynski   | Foster     | McKeown      | Salomon      | Wedemeyer    |
| Byrne       | Francisco  | McManus      | Sammon       | West         |
| Cadin       | Freidel    | Mead         | Santee       | Whitney F G  |
| Cahn        | Gardner    | Miller       | Schoeneck    | Whitney G H  |
| Callahan    | Gates      | Monroe       | Scovill      | Wiegand      |
| Carrier     | Grady      | Murphy       | Shanahan     | Wilson       |
| Caughlan    | Grattan    | Newton       | Sheehy       | Wolf         |
| Charles E E | Gray       | Nugent       | Sheldon      | Wood F C     |
| Charles W B | Gurnett    | O'Neill      | Sherry       | Wood F X     |
| Cooke       | Hammond    | Palmer       | Shuttleworth | Yale         |
| Coon        | Hanford    | Parker       | Slocum       | Young        |
| Cotton      | Hapeman    | Patton       | Smith A E    |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 902, Assembly reprint No. 2183) entitled "An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law." (Rec. No. 219.)

On motion of Mr. Scovill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

|             |            |              |           |              |
|-------------|------------|--------------|-----------|--------------|
| Agnew       | Coutant    | Hooker       | Parker    | Smith J T    |
| Allen F E   | Cox        | Hooper       | Patton    | Smith R H    |
| Allen J G   | Cunningham | Hornidge     | Pendry    | Stanley      |
| Apgar       | Dale       | Hubbs        | Perry     | Steele       |
| Bass        | Dodd       | Hurd         | Phillips  | Stevens      |
| Becker      | Dowling    | Kavanaugh    | Plank     | Tenjost      |
| Bedell      | Ellis      | Knapp        | Platt     | Thompson G F |
| Beebe       | Etzel      | La Fetra     | Prentice  | Thonet       |
| Beihilf     | Evans      | Leggett      | Prince    | Tompkins     |
| Bird        | Fish       | Lewis        | Reeve     | Waddell      |
| Brady       | Fitzsimons | Machacek     | Reilly    | Wagner       |
| Brooks      | Foster     | Maier        | Rigby     | Wadsworth    |
| Burnett     | Francisco  | Mathews T F  | Rogers    | Wedemeyer    |
| Burns       | Freidel    | Matthews C R | Salomon   | West         |
| Burzynski   | Gardner    | McKeown      | Sammon    | Wemple       |
| Byrne       | Gates      | McManus      | Schoeneck | Whitney F G  |
| Cadin       | Grattan    | Mead         | Scovill   | Whitney G H  |
| Cahn        | Gray       | Merritt      | Sheehy    | Wiegand      |
| Carrier     | Gurnett    | Monroe       | Sheldon   | Wilson       |
| Caughlan    | Hackett    | Moreland     | Sherry    | Wolf         |
| Charles E E | Hammond    | Murphy       | Slocum    | Wood F C     |
| Charles W B | Hanford    | Nugent       | Smith A P | Wood F X     |
| Cooke       | Hapeman    | Ogden        | Smith A E | Yale         |
| Coon        | Hartman    | O'Neill      | Smith J E | Young        |
| Cotton      | Hastings   |              |           |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the bill (No. 2165) entitled "An act for the regulation of fares on electric street surface railroads in cities of the State containing a population of 1,000,000 or over, and to provide for the issue of transfer tickets thereon." (Int. No. 1503.)

On motion of Mr. Ellis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coon       | Hapeman      | Patton       | Smith J T    |
| Allen F E   | Cotton     | Hartman      | Pendry       | Smith R H    |
| Allen J G   | Coutant    | Hooker       | Perry        | Stanley      |
| Anderson    | Cowan      | Hooper       | Phillips     | Steele       |
| Apgar       | Cox        | Hubbs        | Plank        | Stevens      |
| Bass        | Cunningham | Hurd         | Platt        | Tenjest      |
| Becker      | Dale       | Kavanaugh    | Pratt        | Thompson G F |
| Bedell      | Dodd       | Knapp        | Prentice     | Thompson J A |
| Beebe       | Donovan    | La Rue       | Prince       | Thonet       |
| Beihlf      | Dowling    | Leggett      | Quinn        | Tompkins     |
| Bird        | Etzel      | Lewis        | Reeve        | Waddell      |
| Bisland     | Evans      | Maier        | Reilly       | Wagner       |
| Brady       | Everett    | Malloy       | Rigby        | Wadsworth    |
| Burnett     | Fish       | Mathews T F  | Rogers       | Wedemeyer    |
| Burns       | Fitzsimons | Matthews C R | Rosenstein   | West         |
| Burzynski   | Foster     | McKeown      | Sammon       | Wemple       |
| Byrne       | Francisco  | McManus      | Santee       | Whitney G H  |
| Cadin       | Freidel    | Merritt      | Schoeneck    | Wiegand      |
| Cahn        | Gardner    | Miller       | Scovill      | Wilsnack     |
| Callahan    | Gates      | Monroe       | Sheehy       | Wolf         |
| Carrier     | Grady      | Murphy       | Sheldon      | Wood F C     |
| Caughlan    | Grattan    | Newton       | Shuttleworth | Wood F X     |
| Charles E E | Gurnett    | Ogden        | Slocum       | Yale         |
| Charles W B | Hackett    | O'Neill      | Smith A E    | Young        |
| Cooke       | Hammond    | Palmer       |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1288, Assembly reprint No. 2373) entitled "An act to amend the Liquor Tax Law in relation to local option, persons who shall not traffic in liquors, cancellation proceedings, convictions, and reports and fees of county clerks." (Rec. No. 394.)

On motion of Mr. Burnett, said bill was read the second time and ordered to a third reading.



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hanford      | Palmer       | Smith A E    |
| Allen F E   | Cowan      | Hartman      | Parker       | Smith J E    |
| Allen J G   | Cunningham | Hastings     | Patton       | Smith R H    |
| Anderson    | Dale       | Hooper       | Pendry       | Standart     |
| Bass        | Dodd       | Hornidge     | Perry        | Steele       |
| Becker      | Donovan    | Hubbs        | Plank        | Stevens      |
| Bedell      | Dowling    | Hurd         | Platt        | Sullivan     |
| Beebe       | Ellis      | Kavanaugh    | Pratt        | Thompson G F |
| Beihlf      | Etzel      | Knapp        | Prentice     | Thompson J A |
| Bird        | Evans      | La Rue       | Prince       | Thonet       |
| Bisland     | Everett    | Leggett      | Reeve        | Tompkins     |
| Brady       | Fitzsimons | Lewis        | Reilly       | Waddell      |
| Brooks      | Foelker    | Maier        | Rigby        | Wagner       |
| Burnett     | Foster     | Malloy       | Rosenstein   | Wadsworth    |
| Burns       | Francisco  | Mathews T F  | Salomon      | Wedemeyer    |
| Byrne       | Fuller     | Matthews C R | Santee       | West         |
| Cadin       | Gardner    | McKeown      | Schoeneck    | Whitney F G  |
| Cahn        | Gates      | McManus      | Seovill      | Whitney G H  |
| Callahan    | Grady      | Mead         | Shanahan     | Wilsnack     |
| Caughlan    | Grattan    | Miller       | Sheehy       | Wilson       |
| Charles E E | Gray       | Moreland     | Sheldon      | Wood F C     |
| Charles W B | Gurnett    | Murphy       | Shuttleworth | Yale         |
| Coon        | Hackett    | Nugent       | Slocum       | Young        |
| Cotton      | Hammond    | Ogden        | Smith A P    |              |

In the negative:

La Petra

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1221, Assembly reprint No. 2265) entitled "An act to amend the Liquor Tax Law in relation to special deputy commissioners and compensation of county treasurers." (Rec. No. 358.)

On motion of Mr. Burnett, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 368) entitled "An act to provide for the repairing of the Montezuma turnpike across Montezuma marsh, and making an appropriation therefor." (Int. No. 368.)

On motion of Mr. Maier, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hastings     | Parker       | Smith A E    |
| Allen F E   | Cox        | Hooper       | Patton       | Smith J E    |
| Allen J G   | Cunningham | Hornidge     | Pendry       | Smith J T    |
| Anderson    | Dale       | Hubbs        | Perry        | Smith R H    |
| Apgar       | Dodd       | Hurd         | Phillips     | Standart     |
| Becker      | Donovan    | Kavanaugh    | Plank        | Stanley      |
| Bedell      | Dowling    | Knapp        | Platt        | Steele       |
| Beebe       | Ellis      | La Fetra     | Pratt        | Stevens      |
| Beihilf     | Etzel      | La Rue       | Prentice     | Tenjust      |
| Bisland     | Evans      | Lewis        | Prince       | Thompson G F |
| Brady       | Everett    | Machacek     | Reeve        | Thompson J A |
| Brooks      | Fish       | Maier        | Reilly       | Thonet       |
| Burnett     | Foelker    | Malloy       | Rigby        | Tompkins     |
| Burns       | Foster     | Mathews T F  | Rogers       | Waddell      |
| Burzynski   | Francisco  | Matthews C R | Rosenstein   | Wagner       |
| Byrne       | Freidel    | McKeown      | Salomon      | Wadsworth    |
| Cadin       | Fuller     | McManus      | Sammon       | Wainwright   |
| Cahn        | Gardner    | Mead         | Schoeneck    | Wedemeyer    |
| Carrier     | Gates      | Merritt      | Scovill      | West         |
| Caughlan    | Grady      | Monroe       | Shanahan     | Whitney F G  |
| Charles E E | Grattan    | Moreland     | Sheehy       | Whitney G H  |
| Charles W B | Gurnett    | Murphy       | Sheldon      | Wilsnack     |
| Cooke       | Hackett    | Newton       | Sherry       | Wolf         |
| Coon        | Hanford    | Ogden        | Shuttleworth | Wood F X     |
| Cotton      | Hapeman    | O'Neill      | Slocum       | Yale         |
| Coutant     | Hartman    | Palmer       | Smith A P    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2365) entitled "An act to repeal chapter 283 of the Laws of 1905,

entitled 'An act to amend chapter 506 of the Laws of 1902, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for the said village and to prescribe their powers and duties." ' ' ' (Int. No. 1586.)

On motion of Mr. G. H. Whitney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hapeman      | O'Neill      | Smith J E    |
| Allen F E   | Cunningham | Hartman      | Parker       | Smith J T    |
| Anderson    | Dale       | Hastings     | Patton       | Standart     |
| Apgar       | Dodd       | Hooker       | Pendry       | Stanley      |
| Bass        | Donovan    | Hooper       | Perry        | Steele       |
| Becker      | Dowling    | Hornidge     | Phillips     | Stevens      |
| Bedell      | Ellis      | Hubbs        | Plank        | Sullivan     |
| Beebe       | Etzel      | Hurd         | Platt        | Thompson G F |
| Beihlf      | Evans      | Kavanaugh    | Pratt        | Thompson J A |
| Bird        | Everett    | Knapp        | Prentice     | Thonet       |
| Bisland     | Fish       | La Fetra     | Prince       | Tompkins     |
| Brady       | Fitzsimons | La Rue       | Quinn        | Wade         |
| Brooks      | Foelker    | Leggett      | Reilly       | Wagner       |
| Burnett     | Foster     | Lewis        | Rigby        | Wadsworth    |
| Burns       | Francisco  | Machacek     | Rogers       | Wainwright   |
| Burzynski   | Freidel    | Maier        | Rosenstein   | Wedemeyer    |
| Byrne       | Fuller     | Mathews T F  | Salomon      | Wemple       |
| Cadin       | Gardner    | Matthews C R | Sammon       | Whitney F G  |
| Cahn        | Gates      | McKeown      | Santee       | Whitney G H  |
| Callahan    | Grady      | McManus      | Schoeneck    | Wilsnack     |
| Carrier     | Grattan    | Merritt      | Shanahan     | Wilson       |
| Caughlan    | Gray       | Miller       | Sheehy       | Wolf         |
| Charles W B | Gurnett    | Monroe       | Sheldon      | Wood F C     |
| Cooke       | Hackett    | Murphy       | Shuttleworth | Wood F X     |
| Coon        | Hammond    | Newton       | Smith A P    | Yale         |
| Cotton      | Hanford    | Ogden        | Smith A E    | Young        |
| Contant     |            |              |              |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2367) entitled "An act to legalize, ratify and confirm a special election, held in the city of Little Falls, in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city and all proceedings connected therewith." (Int. No. 1597.)

On motion of Mr. Steele, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hartman      | Patton       | Smith R H    |
| Allen F E   | Coutant    | Hastings     | Pendry       | Standart     |
| Allen J G   | Cowan      | Hooker       | Perry        | Stanley      |
| Anderson    | Cox        | Hornidge     | Phillips     | Steele       |
| Apgar       | Cunningham | Hubbs        | Plank        | Stevens      |
| Bass        | Dale       | Kavanaugh    | Platt        | Sullivan     |
| Becker      | Dodd       | Knapp        | Pratt        | Thompson G F |
| Bedell      | Donovan    | La Rue       | Prentice     | Thompson J A |
| Beebe       | Ellis      | Lewis        | Prince       | Thonet       |
| Beihlf      | Evans      | Machacek     | Quinn        | Tompkins     |
| Bird        | Everett    | Maier        | Reeve        | Waddell      |
| Bisland     | Fish       | Malloy       | Reilly       | Wade         |
| Brady       | Fitzsimons | Mathews T F  | Rigby        | Wagner       |
| Brooks      | Foelker    | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Foster     | McKeown      | Salomon      | Wainwright   |
| Burns       | Francisco  | McManus      | Sammon       | Wedemeyer    |
| Burzynski   | Freidel    | Mead         | Santee       | West         |
| Byrne       | Fuller     | Merritt      | Schoeneck    | Whitney G H  |
| Cadin       | Gates      | Miller       | Shanahan     | Wiegand      |
| Cahn        | Grady      | Moreland     | Sheehy       | Wilsnack     |
| Callahan    | Grattan    | Murphy       | Sherry       | Wilson       |
| Carrier     | Gray       | Newton       | Shuttleworth | Wolf         |
| Caughlan    | Hackett    | Nugent       | Slocum       | Wood F C     |
| Charles W B | Hammond    | Ogden        | Smith A P    | Wood F X     |
| Cooke       | Hanford    | O'Neill      | Smith A E    | Yale         |
| Coon        | Hapeman    | Parker       | Smith J E    | Young        |

In the negative:

Palmer



Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2287) entitled "An act to amend the Penal Code, in relation to unlawful exclusion of persons from theatres or places of amusement." (Int. No. 1562.)

On motion of Mr. Freidel, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hartman      | Palmer       | Smith A E    |
| Allen F E   | Cox        | Hastings     | Parker       | Smith J E    |
| Allen J G   | Cunningham | Hooker       | Patton       | Smith J T    |
| Anderson    | Dale       | Hooper       | Pendry       | Smith R H    |
| Apgar       | Dodd       | Hornidge     | Perry        | Standart     |
| Bass        | Donovan    | Hubbs        | Phillips     | Stanley      |
| Becker      | Dowling    | Hurd         | Plank        | Steele       |
| Bedell      | Ellis      | Kavanaugh    | Platt        | Sullivan     |
| Beebe       | Etzel      | Knapp        | Pratt        | Tenjost      |
| Beihliff    | Evans      | La Rue       | Prentice     | Thompson G F |
| Bird        | Everett    | Leggett      | Prince       | Thompson J A |
| Bisland     | Fish       | Lewis        | Quinn        | Tompkins     |
| Brady       | Fitzsimons | Machacek     | Reilly       | Waddell      |
| Brooks      | Foelker    | Maier        | Rigby        | Wade         |
| Burnett     | Foster     | Malloy       | Rogers       | Wadsworth    |
| Burns       | Francisco  | Mathews T F  | Rosenstein   | Wainwright   |
| Byrne       | Freidel    | Matthews C R | Salomon      | West         |
| Cadin       | Fuller     | McKeown      | Santee       | Wemple       |
| Cahn        | Gates      | McManus      | Schoeneck    | Whitney F G  |
| Callahan    | Grady      | Mead         | Scovill      | Whitney G H  |
| Carrier     | Grattan    | Merritt      | Shanahan     | Wiegand      |
| Caughlan    | Gray       | Monroe       | Sheehy       | Wilsnack     |
| Charles E E | Gurnett    | Murphy       | Sheldon      | Wilson       |
| Charles W B | Hackett    | Newton       | Sherry       | Wood F C     |
| Cooke       | Hammond    | Nugent       | Shuttleworth | Wood F X     |
| Coon        | Hanford    | Ogden        | Slocum       | Yale         |
| Coutant     | Hapeman    | O'Neill      | Smith A P    | Young        |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.



Mr. Speaker announced the special order, being the bill (No. 2370) entitled "An act relative to the inspection of hotels and the revocation of liquor tax certificates in certain cases." (Int. No. 1599.)

On motion of Mr. Prentice, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2301) entitled "An act to amend section 1355 of the Greater New York charter relative to justices of the municipal court of the city of New York." (Int. No. 1462.)

On motion of Mr. Stanley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 46

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooper       | Pendry       | Stanley      |
| Allen F E   | Cox        | Hubbs        | Perry        | Steele       |
| Allen J G   | Cunningham | Hurd         | Phillips     | Stevens      |
| Apgar       | Dowling    | Knapp        | Plank        | Tenjost      |
| Bass        | Etsel      | La Rue       | Platt        | Thompson G F |
| Becker      | Evans      | Leggett      | Pratt        | Thonet       |
| Bedell      | Fish       | Lewis        | Prentice     | Waddell      |
| Beebe       | Foelker    | Maier        | Reeve        | Wade         |
| Beihlf      | Foster     | Matthews C R | Rigby        | Wadsworth    |
| Bisland     | Francisco  | Mead         | Rogers       | Wainwright   |
| Brady       | Gardner    | Merritt      | Santee       | West         |
| Brooks      | Gates      | Miller       | Schoeneck    | Wemple       |
| Burnett     | Grattan    | Monroe       | Scovill      | Whitney F G  |
| Cadin       | Gray       | Moreland     | Sheldon      | Whitney G H  |
| Callahan    | Hammond    | Murphy       | Shuttleworth | Wilsnack     |
| Carrier     | Hanford    | Newton       | Slocum       | Wilson       |
| Charles E E | Hapeman    | Ogden        | Smith A P    | Wood F C     |
| Charles W B | Hartman    | O'Neill      | Smith J E    | Wood F X     |
| Coon        | Hastings   | Parker       | Smith J T    | Yale         |
| Cotton      | Hooker     | Patton       | Standart     | Young        |
| Coutant     |            |              |              |              |

Those who voted in the negative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Anderson  | Donovan    | Kavanaugh   | Prince     | Smith A E    |
| Bird      | Ellis      | La Fetra    | Quinn      | Smith R H    |
| Burns     | Everett    | Machacek    | Reilly     | Sullivan     |
| Burzynski | Fitzsimons | Malloy      | Rosenstein | Thompson J A |
| Byrne     | Fuller     | Mathews T F | Salomon    | Tompkins     |
| Cahn      | Grady      | McKeown     | Sammon     | Wagner       |
| Caughlan  | Gurnett    | McManus     | Shanahan   | Wedemeyer    |
| Cooke     | Hackett    | Nugent      | Sheehy     | Wiegand      |
| Dale      | Hornidge   | Palmer      | Sherry     | Wolf         |
| Dodd      |            |             |            |              |

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1075) entitled "An act to amend the County Law, relating to matrons in county jails." (Rec. No. 288.)

Said bill having been announced for a third reading,

Mr. Scoville moved that said bill be recommitted to the committee on internal affairs, with instructions to report the same forthwith amended.

(See Appendix.)

Mr. Hooker, from the committee on internal affairs, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1530) entitled "An act to legalize, ratify and confirm a special election, held in the city of Little Falls, in the county of Herkimer, on the 29th day of March, 1904, at which the proposition to raise by tax, or borrow upon the credit of the city, the sum of \$40,000, to be used for paving, was voted upon by the electors of said city and all proceedings connected therewith." (Rec. No. 498.)

On motion of Mr. Steele, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hooper       | Phillips     | Smith J T    |
| Allen F E   | Cox        | Hornidge     | Plank        | Smith R H    |
| Allen J G   | Cunningham | Hubbs        | Platt        | Standart     |
| Anderson    | Dale       | Hurd         | Pratt        | Stanley      |
| Apgar       | Dodd       | Kavanaugh    | Prentice     | Stevens      |
| Bass        | Donovan    | La Fetra     | Prince       | Sullivan     |
| Becker      | Dowling    | La Rue       | Quinn        | Tenjost      |
| Bedell      | Ellis      | Leggett      | Reeve        | Thompson G F |
| Beebe       | Etzel      | Lewis        | Reilly       | Thompson J A |
| Beihlf      | Evans      | Machacek     | Rigby        | Thonet       |
| Bisland     | Everett    | Maier        | Rogers       | Tompkins     |
| Brady       | Fish       | Mathews T F  | Rosenstein   | Wade         |
| Brooks      | Foelker    | Matthews C R | Salomon      | Wagner       |
| Burnett     | Foster     | McKeown      | Sammon       | Wadsworth    |
| Burns       | Francisco  | McManus      | Santee       | Wainwright   |
| Burzynski   | Freidel    | Mead         | Schoeneck    | West         |
| Byrne       | Gardner    | Merritt      | Scovill      | Wemple       |
| Cadin       | Gates      | Monroe       | Shanahan     | Whitney F G  |
| Cahn        | Grady      | Moreland     | Sheehy       | Wiegand      |
| Callahan    | Gray       | Newton       | Sheldon      | Wilsnack     |
| Carrier     | Gurnett    | Nugent       | Sherry       | Wilson       |
| Caughlan    | Hackett    | O'Neill      | Shuttleworth | Wolf         |
| Charles E E | Hammond    | Palmer       | Slocum       | Wood F C     |
| Charles W B | Hanford    | Parker       | Smith A P    | Wood F X     |
| Cooke       | Hapeman    | Patton       | Smith A E    | Yale         |
| Coon        | Hartman    | Pendry       | Smith J E    | Young        |
| Cotton      | Hooker     | Perry        |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1328) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to the department of police." (Rec. No. 398.)

On motion of Mr. Cox, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |           |              |
|-------------|------------|--------------|-----------|--------------|
| Agnew       | Cox        | Hooker       | Pendry    | Smith R H    |
| Allen F E   | Cunningham | Hooper       | Perry     | Standart     |
| Allen J G   | Dale       | Hornidge     | Plank     | Stanley      |
| Anderson    | Dodd       | Hurd         | Platt     | Stevens      |
| Bass        | Donovan    | Kavanaugh    | Pratt     | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice  | Tenjost      |
| Bedell      | Etzel      | La Rue       | Prince    | Thompson G F |
| Beebe       | Evans      | Leggett      | Quinn     | Thonet       |
| Beihlf      | Everett    | Lewis        | Reeve     | Tompkins     |
| Bisland     | Fish       | Maier        | Reilly    | Wade         |
| Brady       | Fitzsimons | Malloy       | Rigby     | Wagner       |
| Brooks      | Foelker    | Mathews T F  | Rogers    | Wadsworth    |
| Burnett     | Francisco  | Matthews C R | Salomon   | Wedemeyer    |
| Burns       | Freidel    | McKeown      | Sammon    | West         |
| Byrne       | Fuller     | McManus      | Santee    | Wemple       |
| Cadin       | Gardner    | Mead         | Schoeneck | Whitney F G  |
| Cahn        | Gates      | Merritt      | Shanahan  | Wiegand      |
| Callahan    | Grady      | Miller       | Sheehy    | Wilsnack     |
| Carrier     | Grattan    | Monroe       | Sheldon   | Wilson       |
| Charles E E | Gray       | Moreland     | Sherry    | Wolf         |
| Charles W B | Hackett    | Newton       | Slocum    | Wood F C     |
| Coon        | Hammond    | Ogden        | Smith A P | Wood F X     |
| Cotton      | Hanford    | O'Neill      | Smith A E | Yale         |
| Coutant     | Hapeman    | Parker       | Smith J E | Young        |
| Cowan       | Hartman    | Patton       |           |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1127) entitled "An act providing for clearing out the channel between upper and lower Chateaugay lakes in the county of Clinton, and making an appropriation therefor." (Rec. No. 381.)

On motion of Mr. Hooper, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooper       | Pendry       | Standart     |
| Allen F E   | Cox        | Hornidge     | Perry        | Stanley      |
| Allen J G   | Cunningham | Hurd         | Phillips     | Steele       |
| Anderson    | Dodd       | Kavanaugh    | Plank        | Stevens      |
| Apgar       | Donovan    | Knapp        | Platt        | Sullivan     |
| Bass        | Dowling    | La Fetra     | Prentice     | Tenjost      |
| Becker      | Ellis      | La Rue       | Quinn        | Thompson G F |
| Bedell      | Etzel      | Leggett      | Reeve        | Thompson J A |
| Beebe       | Evans      | Lewis        | Reilly       | Thonet       |
| Bird        | Everett    | Machacek     | Rigby        | Waddell      |
| Bisland     | Fitzsimons | Malloy       | Rogers       | Wade         |
| Brady       | Foelker    | Mathews T F  | Rosenstein   | Wagner       |
| Brooks      | Francisco  | Matthews C R | Sammon       | Wadsworth    |
| Burnett     | Freidel    | McKeown      | Santee       | Wainwright   |
| Burns       | Fuller     | McManus      | Schoeneck    | Wedemeyer    |
| Burzynski   | Gardner    | Mead         | Scovill      | Wemple       |
| Byrne       | Grady      | Miller       | Shanahan     | Whitney F G  |
| Cadin       | Grattan    | Monroe       | Sheehy       | Whitney G H  |
| Callahan    | Gray       | Murphy       | Sherry       | Wilsnack     |
| Carrier     | Gurnett    | Newton       | Shuttleworth | Wilson       |
| Caughlan    | Hackett    | Nugent       | Slocum       | Wolf         |
| Charles E E | Hanford    | O'Neill      | Smith A E    | Wood F C     |
| Charles W B | Hapeman    | Palmer       | Smith J E    | Wood F X     |
| Coon        | Hartman    | Parker       | Smith J T    | Yale         |
| Cotton      | Hastings   | Patton       | Smith R H    | Young        |
| Coutant     | Hooker     |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 691) entitled "An act ratifying the laying out and construction of Pelham avenue, from Webster avenue to Southern boulevard in the borough of the Bronx in the city of New York, and authorizing persons assessed for said work to apply to the Supreme Court, First Department, for relief from the assessment laid or paid therefor." (Rec. No. 374.)

On motion of Mr. Apgar, said bill was read the second time and ordered to a third reading.



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hapeman      | Parker       | Smith R H    |
| Allen F E   | Cunningham | Hastings     | Patton       | Standart     |
| Allen J G   | Dale       | Hooker       | Pendry       | Steele       |
| Anderson    | Dodd       | Hooper       | Perry        | Stevens      |
| Bass        | Donovan    | Hornidge     | Phillips     | Sullivan     |
| Becker      | Dowling    | Hurd         | Plank        | Tenjest      |
| Bedell      | Ellis      | Kavanaugh    | Pratt        | Thompson G F |
| Beebe       | Etzel      | Knapp        | Prentice     | Thompson J A |
| Bird        | Evans      | La Fetra     | Prince       | Thonet       |
| Bisland     | Everett    | Leggett      | Quinn        | Waddell      |
| Brady       | Fitzsimons | Lewis        | Reilly       | Wade         |
| Brooks      | Foelker    | Machacek     | Rigby        | Wagner       |
| Burnett     | Foster     | Malloy       | Rosenstein   | Wadsworth    |
| Burns       | Francisco  | Mathews T F  | Salomon      | Wedemeyer    |
| Burzynski   | Freidel    | Matthews C R | Santee       | West         |
| Cadin       | Fuller     | McKeown      | Schoeneck    | Wemple       |
| Cahn        | Gardner    | McManus      | Shanahan     | Whitney F G  |
| Callahan    | Gates      | Mead         | Sheehy       | Wiegand      |
| Carrier     | Grady      | Miller       | Sherry       | Wilsnack     |
| Charles E E | Grattan    | Monroe       | Shuttleworth | Wolf         |
| Charles W B | Gray       | Moreland     | Smith A P    | Wood F C     |
| Cooke       | Gurnett    | Newton       | Smith A E    | Wood F X     |
| Coon        | Hackett    | Nugent       | Smith J E    | Yale         |
| Cotton      | Hammond    | Ogden        | Smith J T    | Young        |
| Coutant     | Hanford    | Palmer       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1141) entitled "An act to release to Franklin Grady the right, title and interest of the people of the State of New York in and to certain real estate situated in the city of New York, borough of the Bronx, State of New York, and in the proceeds of said real estate." (Rec. No. 457.)

On motion of Mr. Apgar, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hapeman      | Patton       | Smith J T    |
| Allen F E   | Coutant    | Hastings     | Pendry       | Smith R H    |
| Allen J G   | Cowan      | Hooker       | Perry        | Stanley      |
| Anderson    | Cox        | Hooper       | Phillips     | Steele       |
| Apgar       | Cunningham | Hornidge     | Plank        | Stevens      |
| Bass        | Dale       | Hubbs        | Platt        | Sullivan     |
| Becker      | Dodd       | Hurd         | Pratt        | Tenjost      |
| Bedell      | Donovan    | Kavanaugh    | Prentice     | Thompson G F |
| Beebe       | Dowling    | La Fetra     | Quinn        | Thonet       |
| Bird        | Ellis      | La Rue       | Reeve        | Tompkins     |
| Bisland     | Etzel      | Leggett      | Reilly       | Waddell      |
| Brady       | Evans      | Machacek     | Rigby        | Wade         |
| Brooks      | Fsih       | Maier        | Rogers       | Wagner       |
| Burnett     | Fitzsimons | Malloy       | Rosenstein   | Wainwright   |
| Burns       | Foelker    | Mathews T F  | Salomon      | Wedemeyer    |
| Burzynski   | Foster     | Matthews C R | Sammon       | Wemple       |
| Byrne       | Francisco  | McKeown      | Santee       | Whitney F G  |
| Cadin       | Freidel    | McManus      | Scovill      | Whitney G H  |
| Cahn        | Fuller     | Merritt      | Shanahan     | Wilsnack     |
| Callahan    | Gates      | Miller       | Sheehy       | Wilson       |
| Carrier     | Grady      | Monroe       | Sheldon      | Wolf         |
| Caughlan    | Grattan    | Murphy       | Shuttleworth | Wood F C     |
| Charles E E | Gray       | Newton       | Slocum       | Wood F X     |
| Charles W B | Gurnett    | Ogden        | Smith A P    | Yale         |
| Cooke       | Hackett    | O'Neill      | Smith A E    | Young        |
| Coon        | Hanford    | Palmer       |              |              |

Ordered. That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1066) entitled "An act to provide for the retaxation by the Appellate Division of the Supreme Court of the State of New York for the Second Judicial Department of the claim of Nelson J. Waterbury, Jr., surviving partner of the firm of N. J. & N. J. Waterbury, Jr., for services rendered by them for the city of New York in the trial of the claim of George R. Sheldon, as assignee of William H. de Forrest, under the provisions of chapter 490 of

the Laws of 1883, entitled 'An act to provide new reservoirs, dams and a new aqueduct with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water,' and the acts amendatory thereof." (Rec. No. 372.)

On motion of Mr. Wedemeyer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were :

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hastings     | Patton       | Smith R H    |
| Allen F E   | Cox        | Hooper       | Pendry       | Standart     |
| Allen J G   | Cunningham | Hornidge     | Perry        | Stanley      |
| Anderson    | Dodd       | Hubbs        | Phillips     | Steele       |
| Apgar       | Donovan    | Hurd         | Plank        | Stevens      |
| Bass        | Dowling    | Kavanaugh    | Platt        | Sullivan     |
| Becker      | Ellis      | Knapp        | Pratt        | Tenjost      |
| Bedell      | Evans      | La Rue       | Prentice     | Thompson J A |
| Beebe       | Everett    | Leggett      | Prince       | Thonet       |
| Beihlf      | Fish       | Lewis        | Quinn        | Tompkins     |
| Bisland     | Fitzsimons | Machacek     | Reilly       | Waddell      |
| Brady       | Foelker    | Maier        | Rigby        | Wagner       |
| Brooks      | Foster     | Malloy       | Rogers       | Wadsworth    |
| Burnett     | Francisco  | Mathews T F  | Rosenstein   | Wainwright   |
| Burns       | Freidel    | Matthews C R | Salomon      | Wedemeyer    |
| Burzynski   | Fuller     | McKeown      | Sammon       | West         |
| Byrne       | Gardner    | McManus      | Schoeneck    | Wemple       |
| Cadin       | Gates      | Mead         | Scovill      | Whitney G H  |
| Cahn        | Grady      | Merritt      | Shanahan     | Wiegand      |
| Carrier     | Gray       | Miller       | Sheehy       | Wilsnack     |
| Caughlan    | Gurnett    | Moreland     | Sherry       | Wolf         |
| Charles W B | Hackett    | Murphy       | Shuttleworth | Wood F C     |
| Cooke       | Hammond    | Nugent       | Slocum       | Wood F X     |
| Coon        | Hamford    | Ogden        | Smith A P    | Yale         |
| Cotton      | Hapeman    | O'Neill      | Smith J E    | Young        |
| Coutant     | Hartman    | Palmer       | Smith J T    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1484) entitled "An act to amend chapter 537 of the Laws of 1893, entitled 'An act providing for ascertaining and paying the amount of damages to lands and buildings, suffered by reason of changes of grade of streets or avenues, made pursuant to chapter 721 of the Laws of 1887, providing for the depression of railroad tracks in the Twenty-third and Twenty-fourth wards, in the city of New York or otherwise,' as amended by chapter 567 of the Laws of 1894, by chapter 729 of the Laws of 1900 and by other amendatory acts, relative to damages caused by changes of grade to certain property in the Twenty-third and Twenty-fourth wards of the borough of the Bronx of the city of New York, by permitting the filing of claims and the awarding of damages as to such property by the commission constituted by chapter 537 of the Laws of 1893 as so amended." (Rec. No. 488.)

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|           |            |             |            |              |
|-----------|------------|-------------|------------|--------------|
| Agnew     | Cowan      | Hooker      | Patton     | Smith J E    |
| Allen F E | Cox        | Hooper      | Pendry     | Smith J T    |
| Allen J G | Cunningham | Hornidge    | Perry      | Smith R H    |
| Anderson  | Dale       | Hubbs       | Phillips   | Standart     |
| Bass      | Dodd       | Hurd        | Plank      | Stanley      |
| Becker    | Donovan    | Kavanaugh   | Platt      | Steele       |
| Bedell    | Dowling    | La Fetra    | Pratt      | Sullivan     |
| Beebe     | Ellis      | La Rue      | Prentice   | Tenjost      |
| Beihlf    | Etzel      | Leggett     | Prince     | Thompson G F |
| Bird      | Evans      | Lewis       | Quinn      | Thonet       |
| Bisland   | Everett    | Machacek    | Reeve      | Tompkins     |
| Brooks    | Fish       | Maier       | Reilly     | Wade         |
| Burnett   | Foelker    | Malloy      | Rigby      | Wagner       |
| Burns     | Foster     | Mathews T F | Rogers     | Wadsworth    |
| Burzynski | Francisco  | Mathews C R | Rosenstein | Wainwright   |

|             |          |          |              |             |
|-------------|----------|----------|--------------|-------------|
| Byrne.      | Freidel  | McKeown  | Salomon      | Wedemeyer   |
| Cadin       | Gardner  | McManus  | Santee       | West        |
| Cahn        | Gates    | Mead     | Schoeneck    | Whitney F G |
| Callahan    | Grady    | Merritt  | Scovill      | Whitney G H |
| Carrier     | Grattan  | Monroe   | Shanahan     | Wiegand     |
| Caughlan    | Gray     | Moreland | Sheehy       | Wilsnack    |
| Charles E E | Hackett  | Newton   | Sherry       | Wilson      |
| Charles W B | Hammond  | Nugent   | Shuttleworth | Wood F C    |
| Cooke       | Hanford  | Ogden    | Slocum       | Wood F X    |
| Cotton      | Hapeman  | O'Neill  | Smith A P    | Yale        |
| Coutant     | Hastings | Palmer   | Smith A E    | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1393) entitled "An act to amend section 544 of the Penal Code of the State of New York." (Rec. No. 495.)

On motion of Mr. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 12

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cunningham | Hooper       | Pendry     | Smith A P    |
| Allen F E | Dale       | Hornidge     | Perry      | Smith A E    |
| Allen J G | Dodd       | Kavanaugh    | Phillips   | Smith J E    |
| Anderson  | Donovan    | Knapp        | Plank      | Smith R H    |
| Apgar     | Etzel      | La Fetra     | Platt      | Stanley      |
| Bedell    | Fitzsimons | La Rue       | Pratt      | Stevens      |
| Beebe     | Foelker    | Lewis        | Prentice   | Thompson G F |
| Beihlf    | Foster     | Maier        | Prince     | Waddell      |
| Brady     | Francisco  | Malloy       | Quinn      | Wagner       |
| Burnett   | Freidel    | Mathews T F  | Reeve      | Wadsworth    |
| Burns     | Fuller     | Matthews C R | Reilly     | Wainwright   |
| Burzynski | Gardner    | Merritt      | Rigby      | Wedemeyer    |
| Byrne     | Grady      | Miller       | Rogers     | West         |
| Cadin     | Grattan    | Monroe       | Rosenstein | Whitney F G  |
| Cahn      | Gray       | Moreland     | Sammon     | Whitney G H  |
| Callahan  | Gurnett    | Murphy       | Santee     | Wiegand      |
| Carrier   | Hackett    | Newton       | Schoeneck  | Wilson       |



|             |          |        |              |          |
|-------------|----------|--------|--------------|----------|
| Charles W B | Hammond  | Nugent | Scovill      | Wolf     |
| Cooke       | Hanford  | Ogden  | Shanahan     | Wood F C |
| Coon        | Hapeman  | Palmer | Sheehy       | Wood F X |
| Cotton      | Hartman  | Parker | Shuttleworth | Yale     |
| Coutant     | Hastings | Patton | Slocum       | Young    |
| Cowan       | Hooker   |        |              |          |

Those who voted in the negative were:

|             |       |         |          |         |
|-------------|-------|---------|----------|---------|
| Bass        | Cox   | Hubbs   | Standart | Tenjost |
| Brooks      | Fish  | Leggett | Steele   | Wade    |
| Charles E E | Gates |         |          |         |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1464) entitled "An act to amend subdivision 2 of section 24 of chapter 112 of the Laws of 1896, the Liquor Tax Law, as amended by chapter 312 of the Laws of 1897 and as amended by chapter 485 of the Laws of 1904, relating to places in which the traffic in liquor shall not be permitted." (Rec. No. 491.)

On motion of Mr. Monroe, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 92

NOES 29

Those who voted in the affirmative were:

|           |             |              |          |              |
|-----------|-------------|--------------|----------|--------------|
| Allen F E | Charles W B | Hanford      | Parker   | Smith A P    |
| Anderson  | Coon        | Hastings     | Patton   | Smith A E    |
| Apgar     | Coutant     | Hornidge     | Pendry   | Smith J E    |
| Bass      | Cox         | Hubbs        | Perry    | Smith J T    |
| Becker    | Dale        | La Fetra     | Phillips | Smith R H    |
| Bedell    | Donovan     | Leggett      | Platt    | Stevens      |
| Beebe     | Dowling     | Lewis        | Pratt    | Tenjost      |
| Bird      | Ellis       | Malloy       | Prince   | Thompson G F |
| Brady     | Etzel       | Mathews T F  | Quinn    | Wade         |
| Brooks    | Fitzsimons  | Matthews C R | Reilly   | Wagner       |
| Burnett   | Foster      | McKeown      | Rigby    | Wadsworth    |
| Burns     | Francisco   | Mead         | Rogers   | West         |
| Burzynski | Freidel     | Miller       | Salomon  | Wemple       |

|          |         |          |              |          |
|----------|---------|----------|--------------|----------|
| Byrne    | Gardner | Monroe   | Sammon       | Wiegand  |
| Cadin    | Gates   | Moreland | Sheehy       | Wilsnack |
| Cahn     | Grattan | Nugent   | Sheldon      | Wolf     |
| Callahan | Gurnett | Ogden    | Shuttleworth | Wood F C |
| Carrier  | Hackett | O'Neill  | Slocum       | Yale     |
| Caughlan | Hammond |          |              |          |

Those who voted in the negative were:

|           |         |          |           |             |
|-----------|---------|----------|-----------|-------------|
| Agnew     | Fuller  | Knapp    | Santee    | Wainwright  |
| Allen J G | Gray    | Maier    | Schoeneck | Whitney G H |
| Cotton    | Hartman | Merritt  | Scovill   | Wilson      |
| Cowan     | Hooker  | Newton   | Stanley   | Wood F X    |
| Dodd      | Hooper  | Plank    | Steele    | Young       |
| Fish      | Hurd    | Prentice | Tompkins  |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1366) entitled "An act to suspend the limitation of time for the completion and operation of railroads heretofore sold under foreclosure and for the relief of the same." (Rec. No. 490.)

On motion of Mr. Cox, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

The Senate returned the Senate bill (No. 1214, Assembly reprint No. 2325) entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' as amended by chapter 616 of the Laws of 1900, and further amended by chapter 544 of the Laws of 1902" (Rec. No. 351), with a message that they have non-concurred in the amendments of the Assembly thereto, and request the appointment of a conference committee thereon, and that the President of the Senate has appointed as such committee on the part of the Senate Messrs. Elsborg, Gardner and Grady.

Mr. Stanley moved to agree to the request for a conference committee.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee on the part of the Assembly, Messrs. Burnett, Hammond, Agnew, Prentice and McKeown.

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly has agreed to the request for a committee of conference thereon, and that the Speaker has appointed such committee on the part of the Assembly.

The Senate returned the Senate bill (No. 856, Assembly reprint No. 2264) entitled "An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws'" (Rec. No. 182), with a message in the words following:

*To the Legislature:*

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon the Assembly bill entitled "An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws,'" being No. 2264, amending Senate bill No. 856, report that they have duly conferred upon said matters, and agreed to recommend as follows:

That the Assembly recede from the amendment made by it, by striking out on page 3, line 23, all after the word "date" to the bottom of the page, and on page 4, line 1, all before the word "Such." The matter stricken out is as follows: "and also with the provisions of subdivisions one and two of clause k of section thirty-one of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six and the acts amendatory thereof and supplemental thereto."

J. RAINES,  
MERTEN E. LEWIS,  
THOS. H. CULLEN,

CHAS. S. PLANK,  
JEAN L. BURNETT,  
ROBERT G. WAGNER,

*Committee on part of Senate. Committee on part of Assembly.*

Mr. Burnett moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Patton       | Smith R H    |
| Allen F E   | Cowan      | Hastings     | Pendry       | Standart     |
| Allen J G   | Cox        | Hooker       | Perry        | Stanley      |
| Anderson    | Cunningham | Hooper       | Phillips     | Steele       |
| Apgar       | Dale       | Hornidge     | Plank        | Stevens      |
| Bass        | Donovan    | Hubbs        | Platt        | Sullivan     |
| Becker      | Dowling    | Hurd         | Pratt        | Tenjost      |
| Bedell      | Ellis      | Knapp        | Prentice     | Thompson G F |
| Beebe       | Etzel      | La Fetra     | Prince       | Thompson J A |
| Beihilf     | Evans      | La Rue       | Quinn        | Thonet       |
| Bird        | Everett    | Leggett      | Reeve        | Tompkins     |
| Bisland     | Fish       | Lewis        | Reilly       | Waddell      |
| Brady       | Fitzsimons | Machacek     | Rogers       | Wade         |
| Brooks      | Foelker    | Maier        | Rosenstein   | Wagner       |
| Burnett     | Foster     | Malloy       | Salomon      | Wadsworth    |
| Burns       | Francisco  | Mathews T F  | Sammon       | Wedemeyer    |
| Burzynski   | Freidel    | Matthews C R | Schoeneck    | West         |
| Byrne       | Fuller     | McKeown      | Scovill      | Wemple       |
| Cadin       | Gardner    | McManus      | Shanahan     | Whitney G H  |
| Cahn        | Gates      | Mead         | Sheehy       | Wiegand      |
| Callahan    | Grady      | Miller       | Sheldon      | Wilsnack     |
| Carrier     | Grattan    | Monroe       | Sherry       | Wilson       |
| Caughlan    | Gray       | Moreland     | Shuttleworth | Wolf         |
| Charles E E | Gurnett    | Newton       | Slocum       | Wood F C     |
| Charles W B | Hackett    | Nugent       | Smith A P    | Wood F X     |
| Cooke       | Hammond    | Ogden        | Smith A E    | Yale         |
| Coon        | Hanford    | O'Neill      | Smith J E    | Young        |
| Cotton      | Hapeman    | Parker       | Smith J T    |              |

Mr. Burnett moved to agree to the report of the conference committee thereon, and that said bill be amended to conform with said report.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted as amended and restored to the order of third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it:

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 856 (Assembly

reprint No. 2264), entitled "An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws,' " as amended.

Given under my hand and the privy seal of the State, at the Capitol in the city of Albany, this fourth day of  
[L. s.] May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

Said bill as amended was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 91

NOES 46

Those who voted in the affirmative were:

|             |            |              |           |              |
|-------------|------------|--------------|-----------|--------------|
| Agnew       | Cowan      | Hubbs        | Patton    | Steele       |
| Allen F E   | Cox        | Hurd         | Phillips  | Stevens      |
| Allen J G   | Cunningham | Knapp        | Plank     | Thompson G F |
| Apgar       | Dowling    | La Rue       | Platt     | Thonet       |
| Bass        | Evans      | Leggett      | Pratt     | Waddell      |
| Becker      | Fish       | Lewis        | Prentice  | Wade         |
| Bedell      | Foster     | Maier        | Reeve     | Wadsworth    |
| Beebe       | Fuller     | Matthews C R | Rigby     | Wainwright   |
| Beihlf      | Gardner    | Mead         | Rogers    | West         |
| Bisland     | Gates      | Merritt      | Santee    | Wemple       |
| Brady       | Grattan    | Miller       | Schoeneck | Whitney F G  |
| Burnett     | Gray       | Monroe       | Scovill   | Whitney G H  |
| Cadin       | Hammond    | Moreland     | Sheldon   | Wilsnack     |
| Callahan    | Hanford    | Murphy       | Slocum    | Wilson       |
| Carrier     | Hapeman    | Newton       | Smith A P | Wood F C     |
| Charles E E | Hartman    | Ogden        | Smith J E | Wood F X     |
| Charles W B | Hastings   | O'Neill      | Smith J T | Yale         |
| Coon        | Hooker     | Parker       | Stanley   | Young        |
| Cotton      |            |              |           |              |

Those who voted in the negative were:

|           |            |             |              |              |
|-----------|------------|-------------|--------------|--------------|
| Anderson  | Ellis      | Hornidge    | Quinn        | Smith A E    |
| Brooks    | Everett    | Kavanaugh   | Reilly       | Smith R H    |
| Burns     | Etsel      | La Fetra    | Rosenstein   | Sullivan     |
| Burzynski | Fitzsimons | Malloy      | Salomon      | Thompson J A |
| Byrne     | Foelker    | Mathews T F | Sammon       | Tompkins     |
| Cahn      | Francisco  | McKeown     | Shanahan     | Wagner       |
| Cooke     | Freidel    | Nugent      | Sheehy       | Wedemeyer    |
| Dale      | Grady      | Palmer      | Sherry       | Wiegand      |
| Dodd      | Hackett    | Prince      | Shuttleworth | Wolf         |
| Donovan   |            |             |              |              |



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Senate bill (No. 545, Assembly reprint No. 1959) entitled "An act to amend the Banking Law relative to trust companies" (Rec. No. 113), with a message in the words following:

*To the Legislature:*

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon the Senate bill (No. 1959) entitled "An act to amend the Banking Law relative to trust companies" (Rec. No. 113), report that they have duly conferred upon said matters, and agreed to recommend as follows:

That the amendment inserted in the said bill be adopted, and that the bill pass the Senate as amended.

MERTEN E. LEWIS,

F. C. STEVENS,

CONRAD HASENFLUG,

J. T. SMITH,

J. E. B. SANTEE,

ALBERT C. WIEGAND,

*Committee on part of Senate.*

*Committee on part of Assembly.*

Mr. J. T. Smith moved to agree to the report of the conference committee thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have agreed to the report of the committee of conference.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity

of the immediate passage of Assembly bill No. 2371 (Int. No. 1588), entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation," as amended.

Given under my hand and the privy seal of the State, at the Capitol in the city of Albany, this fourth day of [L. s.] May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

The Senate returned the Assembly bill (No. 2371, Senate reprint No. 1555) entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation" (Int. No. 1588), with a message that they have concurred in the passage of the same with the following amendments:

Page 1, line 6, after the word "hour" insert the words "except in the county of Kings where there may be charged twelve cents per kilowatt hour."

Page 2, line 5, after the words "one hundred dollars per year" insert the words "for such electric street lamps consuming three hundred and twenty-five watts of electric current at the arc, ninety dollars per lamp per year."

Mr. Burnett moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cunningham | Hooker    | Parker   | Smith R H    |
| Allen F E | Dale       | Hooper    | Patton   | Stanley      |
| Allen J G | Dodd       | Hornidge  | Pendry   | Steele       |
| Anderson  | Dowling    | Hubbs     | Perry    | Sullivan     |
| Bass      | Ellis      | Hurd      | Phillips | Tenjust      |
| Becker    | Etzel      | Kavanaugh | Plank    | Thompson G F |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Beebe       | Evans      | Knapp        | Platt        | Thompson J A |
| Beihlf      | Everett    | La Fetra     | Pratt        | Thonet       |
| Bird        | Fish       | La Rue       | Prince       | Tompkins     |
| Bisland     | Fitzsimons | Lewis        | Quinn        | Wade         |
| Brady       | Foelker    | Machacek     | Reeve        | Wagner       |
| Brooks      | Foster     | Maier        | Rigby        | Wadsworth    |
| Burnett     | Francisco  | Malloy       | Rogers       | Wainwright   |
| Burns       | Fuller     | Mathews T F  | Rosenstein   | Wedemeyer    |
| Cadin       | Gardner    | Matthews C R | Sammon       | Wemple       |
| Cahn        | Gates      | McKeown      | Santee       | Whitney F G  |
| Callahan    | Grady      | McManus      | Schoeneck    | Whitney G H  |
| Carrier     | Grattan    | Mead         | Shanahan     | Wiegand      |
| Caughlan    | Gray       | Miller       | Sheehy       | Wilson       |
| Charles W B | Hackett    | Monroe       | Sherry       | Wolf         |
| Cooke       | Hammond    | Murphy       | Shuttleworth | Wood F C     |
| Cotton      | Hanford    | Newton       | Smith A P    | Wood F X     |
| Coutant     | Hapeman    | Nugent       | Smith A E    | Yale         |
| Cowan       | Hartman    | Ogden        | Smith J E    | Young        |
| Cox         | Hastings   | Palmer       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2360 (Int. No. 1593), entitled "An act in relation to the price of electric current furnished or sold in the city of New York for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation," as amended.

Given under my hand and the privy seal of the State, at the Capitol in the city of Albany, this fourth day of  
[L. S.] May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor*

The Senate returned the bill (No. 2360, Senate reprint No. 1554) entitled "An act in relation to the price of electric current furnished or sold in the city of New York, for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation" (Int. No. 1593), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 6, after the word "hour" insert the words "except in the county of Kings where there may be charged twelve cents per kilowatt hour."

Mr. Burnett moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 1

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hubbs        | Platt        | Standart     |
| Allen F E   | Dale       | Hurd         | Pratt        | Steele       |
| Allen J G   | Dodd       | Kavanaugh    | Prentice     | Stevens      |
| Anderson    | Donovan    | La Fetra     | Prince       | Sullivan     |
| Apgar       | Dowling    | La Rue       | Quinn        | Tenjost      |
| Becker      | Etzel      | Leggett      | Reeve        | Thompson G F |
| Bedell      | Evans      | Machacek     | Reilly       | Thompson J A |
| Beebe       | Everett    | Maier        | Rigby        | Thonet       |
| Bird        | Fish       | Malloy       | Rogers       | Tompkins     |
| Bisland     | Fitzsimons | Mathews T F  | Rosenstein   | Waddell      |
| Brady       | Foelker    | Matthews C R | Salomon      | Wagner       |
| Brooks      | Foster     | McKeown      | Sammon       | Wadsworth    |
| Burnett     | Freidel    | McManus      | Santee       | Wainwright   |
| Burns       | Fuller     | Mead         | Scovill      | Wedemeyer    |
| Byrne       | Gardner    | Merritt      | Shanahan     | West         |
| Cadin       | Gates      | Monroe       | Sheehy       | Wemple       |
| Cahn        | Grady      | Moreland     | Sheldon      | Whitney G H  |
| Carrier     | Grattan    | Newton       | Sherry       | Wiegand      |
| Caughlan    | Gurnett    | Nugent       | Shuttleworth | Wilsnack     |
| Charles E E | Hackett    | O'Neill      | Slocum       | Wilson       |
| Charles W B | Hammond    | Palmer       | Smith A P    | Wolf         |
| Coon        | Hapeman    | Patton       | Smith A E    | Wood F C     |
| Cotton      | Hastings   | Pendry       | Smith J E    | Wood F X     |
| Coutant     | Hooker     | Perry        | Smith J T    | Yale         |
| Cowan       | Hornidge   | Phillips     | Smith R H    | Young        |

In the negative:

Wade

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2356 (Int. No. 1591), entitled "An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof," as amended.

Given under my hand and the privy seal of the State, at the Capitol in the city of Albany, this fourth day of  
[L. s.] May in the year of our Lord one thousand nine hundred and five.

FRANK W. HIGGINS.

By the Governor:

FRANK E. PERLEY,

*Secretary to the Governor.*

The Senate returned the bill (No. 2356, Senate reprint No. 1553) entitled "An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof" (Int. No. 1591), with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 1, insert a period after the word "records" and strike out the words "and shall be" at end of line.

Same page, strike out all of lines 2, 3, 4, 5, 6, 7 and 8.

Mr. Burnett moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 133

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cunningham | Hastings     | Patton       | Smith J T    |
| Allen F E   | Dale       | Hooker       | Pendry       | Smith R H    |
| Allen J G   | Dodd       | Hooper       | Perry        | Standart     |
| Anderson    | Donovan    | Hornidge     | Phillips     | Stanley      |
| Bass        | Dowling    | Hubbs        | Plank        | Steele       |
| Becker      | Ellis      | Hurd         | Platt        | Stevens      |
| Bedell      | Etzel      | Kavanaugh    | Pratt        | Sullivan     |
| Beebe       | Evans      | Knapp        | Prentice     | Tenjust      |
| Bird        | Everett    | La Fetra     | Prince       | Thompson J A |
| Bisland     | Fish       | Leggett      | Quinn        | Thonet       |
| Brady       | Fitzsimons | Lewis        | Reeve        | Tompkins     |
| Brooks      | Foelker    | Machacek     | Rigby        | Waddell      |
| Burnett     | Foster     | Maier        | Rogers       | Wade         |
| Burns       | Francisco  | Malloy       | Rosenstein   | Wagner       |
| Burzynski   | Freidel    | Mathews T F  | Salomon      | Wainwright   |
| Byrne       | Fuller     | Matthews C R | Sammon       | Wedemeyer    |
| Cahn        | Gardner    | McKeown      | Santee       | West         |
| Carrier     | Gates      | McManus      | Schoeneck    | Wemple       |
| Caughlan    | Grady      | Mead         | Scovill      | Whitney F G  |
| Charles E E | Grattan    | Miller       | Sheehy       | Wiegand      |
| Charles W B | Gray       | Monroe       | Sheldon      | Wilsnack     |
| Cooke       | Gurnett    | Moreland     | Sherry       | Wilson       |
| Coon        | Hackett    | Newton       | Shuttleworth | Wolf         |
| Cotton      | Hammond    | Nugent       | Slocum       | Wood F C     |
| Coutant     | Hanford    | Ogden        | Smith A E    | Yale         |
| Cowan       | Hapeman    | O'Neill      | Smith J E    | Young        |
| Cox         | Hartman    | Parker       |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1696, Senate reprint No. 1533) entitled "An act to provide for annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of 3,000 or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government in such municipalities and making an appropriation therefor" (Int. No. 809), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1533.

Mr. Wadsworth moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hornidge     | Pendry       | Smith R H    |
| Allen F E   | Cunningham | Hubbs        | Perry        | Standart     |
| Allen J G   | Dale       | Hurd         | Phillips     | Stanley      |
| Anderson    | Dodd       | Kavanaugh    | Plank        | Steele       |
| Apgar       | Donovan    | Knapp        | Platt        | Stevens      |
| Bass        | Dowling    | La Fetra     | Pratt        | Sullivan     |
| Becker      | Ellis      | La Rue       | Prentice     | Tenjust      |
| Bedell      | Etzel      | Leggett      | Prince       | Thompson G F |
| Beebe       | Everett    | Lewis        | Quinn        | Thompson J A |
| Beihlf      | Fish       | Machacek     | Reeve        | Tompkins     |
| Bird        | Fitzsimons | Maier        | Reilly       | Waddell      |
| Bisland     | Foelker    | Malloy       | Rigby        | Wade         |
| Brady       | Foster     | Mathews T F  | Rogers       | Wagner       |
| Brooks      | Francisco  | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Freidel    | McKeown      | Salomon      | Wainwright   |
| Burns       | Fuller     | McManus      | Sammon       | Wedemeyer    |
| Burzynski   | Gardner    | Mead         | Santee       | West         |
| Byrne       | Gates      | Merritt      | Schoeneck    | Wemple       |
| Cadin       | Grady      | Miller       | Scovill      | Whitney F G  |
| Cahn        | Gray       | Monroe       | Shanahan     | Whitney G H  |
| Callahan    | Gurnett    | Moreland     | Sheehy       | Wiegand      |
| Carrier     | Hackett    | Murphy       | Sheldon      | Wilsnack     |
| Caughlan    | Hammond    | Newton       | Sherry       | Wilson       |
| Charles E E | Hanford    | Nugent       | Shuttleworth | Wolf         |
| Charles W B | Hapeman    | Ogden        | Slocum       | Wood F C     |
| Cooke       | Hartman    | O'Neill      | Smith A P    | Wood F X     |
| Coon        | Hastings   | Palmer       | Smith A E    | Yale         |
| Cotton      | Hooker     | Parker       | Smith J E    | Young        |
| Coutant     | Hubbs      | Patton       | Smith J T    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 401, Senate reprint No. 1539) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Abeel against the State of New York, for damages to his lands near Little Falls, N. Y., and their use, alleged to have been sustained by him by reason of the negligence of the State of New York in connection with the management and repairs of the canal, the leaky condition of its banks, and by reason of spoil

bank and other encroachments for the benefit of the canal, from August, 1899, until January 1, 1902 " (Int. No. 401), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1539.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James Abeel against the state for damages alleged to have been sustained by him, and to render judgment therefor."

Mr. Hammond moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Parker       | Smith R H    |
| Allen F E   | Cowan      | Hastings     | Patton       | Standart     |
| Allen J G   | Cox        | Hooper       | Pendry       | Stanley      |
| Anderson    | Cunningham | Hornidge     | Perry        | Stevens      |
| Apgar       | Dale       | Hubbs        | Phillips     | Sullivan     |
| Bass        | Dodd       | Hurd         | Plank        | Tenjost      |
| Becker      | Donovan    | Knapp        | Platt        | Thompson G F |
| Bedell      | Dowling    | La Fetra     | Pratt        | Thompson J A |
| Beebe       | Ellis      | La Rue       | Prentice     | Thonet       |
| Beihilf     | Etzel      | Leggett      | Prince       | Tompkins     |
| Bird        | Evans      | Machacek     | Quinn        | Waddell      |
| Bisland     | Everett    | Maier        | Reeve        | Wagner       |
| Brady       | Fish       | Malloy       | Rigby        | Wadsworth    |
| Brooks      | Foelker    | Mathews T F  | Rogers       | Wainwright   |
| Burnett     | Foster     | Matthews C R | Rosenstein   | Wedemeyer    |
| Burns       | Francisco  | McKeown      | Salomon      | West         |
| Byrne       | Freidel    | McManus      | Santee       | Whitney F G  |
| Cadin       | Fuller     | Mead         | Schoeck      | Whitney G H  |
| Cahn        | Gardner    | Merritt      | Shanahan     | Wiegand      |
| Callahan    | Gates      | Miller       | Sheehy       | Wilsnack     |
| Carrier     | Grady      | Moreland     | Sheldon      | Wilson       |
| Caughlan    | Grattan    | Murphy       | Shuttleworth | Wolf         |
| Charles E E | Gray       | Newton       | Slocum       | Wood F C     |
| Charles W B | Gurnett    | Nugent       | Smith A P    | Wood F X     |
| Cooke       | Hackett    | Ogden        | Smith A E    | Yale         |
| Coon        | Hammond    | Palmer       | Smith J T    | Young        |
| Cotton      | Hapeman    |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 969, Senate reprint No. 1543) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claims of Charles F. Parker & Co. against the State for damages alleged to have been sustained by it, and to render judgment therefor" (Int. No. 827), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1543.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claims of Charles F. Parker and company against the state for damages alleged to have been sustained by it, and to render judgment therefor."

Mr. Leggett moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cowan      | Hooker       | Perry      | Smith R H    |
| Allen F E | Cox        | Hooper       | Phillips   | Standart     |
| Allen J G | Cunningham | Hornidge     | Plank      | Stanley      |
| Anderson  | Dale       | Hurd         | Platt      | Stevens      |
| Apgar     | Donovan    | Kavanaugh    | Pratt      | Sullivan     |
| Bass      | Dowling    | Knapp        | Prentice   | Tenjost      |
| Bedell    | Etzel      | La Fetra     | Prince     | Thompson G F |
| Beebe     | Evans      | La Rue       | Quinn      | Thompson J A |
| Beihilf   | Everett    | Lewis        | Reeve      | Tenjost      |
| Bird      | Fish       | Machacek     | Reilly     | Tompkins     |
| Bisland   | Fitzsimons | Malloy       | Rigby      | Wade         |
| Brady     | Foelker    | Mathews T F  | Rosenstein | Wagner       |
| Brooks    | Francisco  | Matthews C R | Salomon    | Wadsworth    |
| Burnett   | Freidel    | McKeown      | Sammon     | Wainwright   |
| Burns     | Fuller     | McManus      | Santee     | Wedemeyer    |



|             |          |          |              |             |
|-------------|----------|----------|--------------|-------------|
| Burzynski   | Gardner  | Mead     | Seovill      | Wemple      |
| Cadin       | Gates    | Miller   | Shanahan     | Whitney F G |
| Cahn        | Grady    | Monroe   | Sheehy       | Whitney G H |
| Callahan    | Grattan  | Moreland | Sheldon      | Wiegand     |
| Carrier     | Gray     | Newton   | Sherry       | Wilsnack    |
| Caughlan    | Gurnett  | Nugent   | Shuttleworth | Wilson      |
| Charles W B | Hackett  | Ogden    | Slocum       | Wood F C    |
| Cooke       | Hanford  | O'Neill  | Smith A E    | Wood F X    |
| Coon        | Hapeman  | Palmer   | Smith J E    | Yale        |
| Cotton      | Hartman  | Patton   | Smith J T    | Young       |
| Coutant     | Hastings | Pendry   |              |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1821, Senate reprint No. 1517) entitled "An act to release to Charles E. Coddington all the right, title and interest of the people of the State of New York in and to certain real estate situate in the borough of Manhattan, city, county and State of New York" (Int. No. 1354), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1517.

Mr. Palmer moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cowan      | Hooper    | Perry    | Smith J T    |
| Allen F E | Cox        | Hornidge  | Phillips | Smith R H    |
| Allen J G | Cunningham | Hubbs     | Plank    | Standart     |
| Apgar     | Dale       | Kavanaugh | Platt    | Stanley      |
| Bass      | Dodd       | La Fetra  | Pratt    | Steele       |
| Becker    | Donovan    | La Rue    | Prentice | Stevens      |
| Bedell    | Dowling    | Leggett   | Prince   | Tenjust      |
| Beebe     | Ellis      | Lewis     | Quinn    | Thompson G F |
| Beihlf    | Evans      | Machacek  | Reeve    | Thompson J A |
| Bird      | Everett    | Maier     | Reilly   | Thonet       |



|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Brady       | Fish       | Mathews T F  | Rigby        | Tompkins    |
| Brooks      | Fitzsimons | Matthews C R | Rogers       | Waddell     |
| Burnett     | Foelker    | McKeown      | Rosenstein   | Wagner      |
| Burns       | Foster     | McManus      | Salomon      | Wadsworth   |
| Burzynski   | Francisco  | Mead         | Sammon       | Wainwright  |
| Byrne       | Freidel    | Merritt      | Santee       | West        |
| Cadin       | Gardner    | Monroe       | Schoeneck    | Wemple      |
| Cahn        | Gates      | Moreland     | Scovill      | Whitney F G |
| Callahan    | Grady      | Murphy       | Shanahan     | Whitney G H |
| Carrier     | Grattan    | Nugent       | Sheehy       | Wiegand     |
| Caughlan    | Gray       | Ogden        | Sheldon      | Wilsnack    |
| Charles E E | Hackett    | O'Neill      | Sherry       | Wolf        |
| Charles W B | Hammond    | Palmer       | Shuttleworth | Wood F C    |
| Cooke       | Hanford    | Parker       | Smith A P    | Wood F X    |
| Coon        | Hapeman    | Patton       | Smith A E    | Yale        |
| Cotton      | Hastings   | Pendry       | Smith J E    | Young       |
| Coutant     | Hooker     |              |              |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 2007, Senate reprint No. 1423) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the owners of certain lands in township No. 5, Brown's tract, Herkimer county, against the State for damages alleged to have been sustained by them, and to render judgment therefor" (Int. No. 1269), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1423.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of certain alleged owners of certain lands in township number five, Brown's tract, Herkimer county, against the state for damages alleged to have been sustained by them, and to render judgment therefor."

Mr. Rigby moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cotton     | Hornidge     | Pendry     | Smith R H    |
| Allen F E   | Coutant    | Hubbs        | Perry      | Standart     |
| Allen J G   | Cowan      | Hurd         | Phillips   | Stanley      |
| Anderson    | Cox        | Kavanaugh    | Plank      | Steele       |
| Apgar       | Cunningham | Knapp        | Platt      | Stevens      |
| Bass        | Dale       | La Rue       | Pratt      | Sullivan     |
| Becker      | Dodd       | Leggett      | Prentice   | Thompson G F |
| Bedell      | Dowling    | Lewis        | Prince     | Thonet       |
| Beebe       | Ellis      | Machacek     | Quinn      | Tompkins     |
| Beihlf      | Etsel      | Maier        | Reilly     | Waddell      |
| Bird        | Evans      | Malloy       | Rigby      | Wade         |
| Bisland     | Fish       | Mathews T F  | Rogers     | Wadsworth    |
| Brady       | Fitzsimons | Matthews C R | Rosenstein | Wainwright   |
| Burnett     | Foster     | McKeown      | Salomon    | West         |
| Burns       | Freidel    | McManus      | Sammon     | Wemple       |
| Burzynski   | Fuller     | Merritt      | Santee     | Whitney F G  |
| Byrne       | Gates      | Miller       | Schoeneck  | Whitney G H  |
| Cadin       | Grady      | Monroe       | Scovill    | Wiegand      |
| Cahn        | Grattan    | Murphy       | Sheehy     | Wilsnack     |
| Callahan    | Gurnett    | Newton       | Sheldon    | Wilson       |
| Carrier     | Hackett    | Nugent       | Sherry     | Wolf         |
| Caughlan    | Hammond    | Ogden        | Slocum     | Wood F C     |
| Charles E E | Hapeman    | Palmer       | Smith A P  | Wood F X     |
| Charles W B | Hartman    | Parker       | Smith A E  | Yale         |
| Cooké       | Hastings   | Patton       | Smith J E  | Young        |
| Coon        | Hooper     |              |            |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1862, Senate reprint No. 1417) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Hill against the State of New York for salary due him for services rendered to the State of New York while employed as purchasing steward's clerk in the office of Mr. F. A. Wheeler, purchasing steward for the Long Island and Manhattan State Hospital, under civil service appointment" (Int. No. 1364), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1417.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of William Hill against

the state for salary due him for alleged services and to render judgment therefor."

Mr. Grattan moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cotton     | Hooper       | Pendry       | Smith R H    |
| Allen F E   | Coutant    | Hornidge     | Perry        | Standart     |
| Allen J G   | Cowan      | Hubbs        | Phillips     | Stanley      |
| Anderson    | Cunningham | Hurd         | Plank        | Steele       |
| Apgar       | Dale       | Kavanaugh    | Platt        | Stevens      |
| Bass        | Donovan    | Knapp        | Pratt        | Sullivan     |
| Becker      | Dowling    | La Fetra     | Prentice     | Tenjest      |
| Bedell      | Ellis      | La Rue       | Prince       | Thompson G F |
| Beebe       | Etzel      | Lewis        | Quinn        | Thompson J A |
| Beihliff    | Evans      | Machacek     | Reeve        | Thonet       |
| Bird        | Fish       | Maier        | Reilly       | Tompkins     |
| Bisland     | Fitzsimons | Malloy       | Rigby        | Waddell      |
| Brady       | Foelker    | Mathews T F  | Rogers       | Wade         |
| Brooks      | Foster     | Matthews C R | Rosenstein   | Wadsworth    |
| Burnett     | Francisco  | McKeown      | Salomon      | Wainwright   |
| Burns       | Freidel    | McManus      | Sammon       | Wedemeyer    |
| Burzynski   | Fuller     | Mead         | Schoeneck    | Wemple       |
| Byrne       | Gates      | Merritt      | Scovill      | Whitney F G  |
| Cadin       | Grady      | Monroe       | Shanahan     | Whitney G H  |
| Cahn        | Grattan    | Moreland     | Sheehy       | Wiegand      |
| Callahan    | Gurnett    | Newton       | Sheldon      | Wilsnack     |
| Carrier     | Hackett    | Nugent       | Sherry       | Wolf         |
| Caughlan    | Hanford    | Ogden        | Shuttleworth | Wood F C     |
| Charles E E | Hapeman    | O'Neill      | Slocum       | Wood F X     |
| Charles W B | Hartman    | Palmer       | Smith A E    | Yale         |
| Cooke       | Hastings   | Parker       | Smith J E    | Young        |
| Coon        | Hooker     | Patton       | Smith J T    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1261, Senate reprint No. 1402) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Louis Windholz against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No.

575), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1402.

Mr. Hammond moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Patton       | Smith J E    |
| Allen F E   | Cowan      | Hastings     | Pendry       | Smith J T    |
| Allen J G   | Cox        | Hooker       | Perry        | Smith R H    |
| Anderson    | Cunningham | Hooper       | Phillips     | Standart     |
| Apgar       | Dale       | Hornidge     | Plank        | Steele       |
| Bass        | Dodd       | Hubbs        | Platt        | Stevens      |
| Becker      | Donovan    | Hurd         | Pratt        | Sullivan     |
| Bedell      | Dowling    | Kavanaugh    | Prentice     | Tenjost      |
| Beebe       | Ellis      | La Fetra     | Prince       | Thompson G F |
| Beihlf      | Etsel      | La Rue       | Reeve        | Thompson J A |
| Bird        | Evans      | Leggett      | Reilly       | Thonet       |
| Bisland     | Fish       | Lewis        | Rigby        | Waddell      |
| Brady       | Fitzsimons | Maier        | Rogers       | Wade         |
| Brooks      | Foster     | Malloy       | Rosenstein   | Wagner       |
| Burnett     | Francisco  | Mathews T F  | Salomon      | Wainwright   |
| Burzynski   | Freidel    | Matthews C R | Sammon       | Wedemeyer    |
| Byrne       | Fuller     | McKeown      | Santee       | West         |
| Cadin       | Gardner    | McManus      | Schoeneck    | Wemple       |
| Cahn        | Gates      | Mead         | Scovill      | Whitney F G  |
| Callahan    | Grady      | Merritt      | Shanahan     | Wiegand      |
| Carrier     | Grattan    | Monroe       | Sheehy       | Wilson       |
| Caughlan    | Gray       | Murphy       | Sheldon      | Wolf         |
| Charles E E | Gurnett    | Newton       | Sherry       | Wood F C     |
| Charles W B | Hackett    | Nugent       | Shuttleworth | Wood F X     |
| Cooke       | Hammond    | Ogden        | Slocum       | Yale         |
| Coon        | Hanford    | Palmer       | Smith A P    | Young        |
| Cotton      | Hapeman    | Parker       | Smith A E    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1684, Senate reprint No. 140) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael



E. O'Connor and John N. Booth, doing business under the firm name of O'Connor & Booth, against the State for damages alleged to have been sustained by them, and to render judgment therefor" (Int. No. 991), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1407.

Mr. Hastings moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Dodd       | Hubbs        | Phillips     | Standart     |
| Allen F E   | Donovan    | Hurd         | Plank        | Steele       |
| Allen J G   | Ellis      | Kavanaugh    | Platt        | Stevens      |
| Anderson    | Etzel      | La Fetra     | Pratt        | Sullivan     |
| Apgar       | Evans      | La Rue       | Prentice     | Tenjest      |
| Bass        | Everett    | Leggett      | Prince       | Thompson G F |
| Becker      | Fish       | Lewis        | Quinn        | Thompson J A |
| Bedell      | Fitzsimons | Machacek     | Reilly       | Tompkins     |
| Beebe       | Foelker    | Maier        | Rigby        | Waddell      |
| Beihlf      | Foster     | Malloy       | Rogers       | Wagner       |
| Bisland     | Francisco  | Mathews T F  | Salomon      | Wadsworth    |
| Brooks      | Freidel    | Matthews C R | Sammon       | Wainwright   |
| Burnett     | Fuller     | McKeown      | Santee       | Wedemeyer    |
| Burzynski   | Gates      | McManus      | Schoeneck    | West         |
| Cadin       | Grady      | Mead         | Scovill      | Wemple       |
| Cahn        | Grattan    | Merritt      | Shanahan     | Whitney F G  |
| Carrier     | Gray       | Monroe       | Sheehy       | Whitney G H  |
| Caughlan    | Gurnett    | Murphy       | Sheldon      | Wiegand      |
| Charles E E | Hackett    | Newton       | Sherry       | Wilsnack     |
| Charles W B | Hammond    | Ogden        | Shuttleworth | Wilson       |
| Cooke       | Hanford    | O'Neill      | Slocum       | Wolf         |
| Coon        | Hartman    | Parker       | Smith A P    | Wood F C     |
| Coutant     | Hastings   | Patton       | Smith A E    | Wood F X     |
| Cox         | Hooker     | Pendry       | Smith J T    | Yale         |
| Cunningham  | Hooper     | Perry        | Smith R H    | Young        |
| Dale        |            |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.



The Senate returned the bill (No. 2004, Senate reprint No. 1422) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James W. Watts against the State of New York, for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 214), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1422.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James W. Watts against the state for damages alleged to have been sustained by him and to render judgment therefor."

Mr. Pratt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Hooker       | Pendry     | Smith J T    |
| Allen F E | Cunningham | Hooper       | Perry      | Smith R H    |
| Allen J G | Dale       | Hornidge     | Phillips   | Standart     |
| Anderson  | Dodd       | Hubbs        | Plank      | Stanley      |
| Appar     | Donovan    | Hurd         | Platt      | Stevens      |
| Bass      | Dowling    | Kavanaugh    | Pratt      | Sullivan     |
| Becker    | Ellis      | La Fetra     | Prentice   | Tenjost      |
| Bedell    | Etzel      | La Rue       | Prince     | Thompson G F |
| Beebe     | Evans      | Leggett      | Quinn      | Thompson J A |
| Beihilf   | Everett    | Lewis        | Reeve      | Tompkins     |
| Bird      | Fish       | Machacek     | Reilly     | Waddell      |
| Bisland   | Fitzsimons | Maier        | Rigby      | Wade         |
| Brady     | Foelker    | Mathews T F  | Rogers     | Wagner       |
| Burnett   | Foster     | Matthews C R | Rosenstein | Wadsworth    |
| Burns     | Francisco  | McKeown      | Salomon    | Wainwright   |
| Burzynski | Freidel    | McManus      | Sammon     | Wedemeyer    |
| Byrne     | Fuller     | Mead         | Santee     | Wemple       |
| Cahn      | Gardner    | Merritt      | Schoeneck  | Whitney G H  |
| Callahan  | Gates      | Miller       | Scovill    | Wiegand      |
| Carrier   | Grady      | Monroe       | Shanahan   | Wilsnack     |

|             |          |          |              |          |
|-------------|----------|----------|--------------|----------|
| Caughlan    | Gray     | Moreland | Sheehy       | Wilson   |
| Charles E E | Gurnett  | Murphy   | Sheldon      | Wolf     |
| Cooke       | Hackett  | Nugent   | Sherry       | Wood F C |
| Coon        | Hammond  | Ogden    | Shuttleworth | Wood F X |
| Cotton      | Hanford  | O'Neill  | Smith A P    | Yale     |
| Coutant     | Hapeman  | Parker   | Smith A E    | Young    |
| Cowan       | Hastings | Patton   | Smith J E    |          |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 944, Senate reprint No. 1458) entitled "An act to amend the Public Lands Law, by including certain lands of the State as a part of the State Reservation at Niagara" (Int. No. 815), with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 7, after the word "describe" insert the words "and which lands were deeded to the state of New York by the Niagara Falls hydraulic power and manufacturing company, as appears from a deed recorded in the Niagara county clerk's office August sixteenth, eighteen hundred and eighty-six, liber one hundred and eighty-one, page three hundred and eighty-six."

Mr. Leggett moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 141

NOES 00

Those who voted in the affirmative were:

|           |            |           |          |              |
|-----------|------------|-----------|----------|--------------|
| Agnew     | Cowan      | Hartman   | Patton   | Smith J T    |
| Allen F E | Cox        | Hastings  | Pendry   | Smith R H    |
| Allen J G | Cunningham | Hooker    | Perry    | Standart     |
| Anderson  | Dale       | Hooper    | Phillips | Stanley      |
| Apgar     | Dodd       | Hornidge  | Plank    | Steele       |
| Bass      | Donovan    | Hubbs     | Platt    | Stevens      |
| Becker    | Dowling    | Kavanaugh | Pratt    | Sullivan     |
| Bedell    | Ellis      | Knapp     | Prentice | Tenjost      |
| Beebe     | Etsel      | La Fetra  | Prince   | Thompson G F |
| Beihliff  | Evans      | La Rue    | Reeve    | Thompson J A |
| Bird      | Everett    | Leggett   | Reilly   | Thonet       |

|             |            |              |              |             |
|-------------|------------|--------------|--------------|-------------|
| Bisland     | Fish       | Lewis        | Rigby        | Tompkins    |
| Brady       | Fitzsimons | Machacek     | Rogers       | Waddell     |
| Brooks      | Foelker    | Maier        | Rosenstein   | Wade        |
| Burnett     | Foster     | Malloy       | Salomon      | Wadsworth   |
| Burns       | Francisco  | Mathews T F  | Sammon       | Wainwright  |
| Burzynski   | Freidel    | Matthews C R | Santee       | West        |
| Byrne       | Fuller     | McKeown      | Schoeneck    | Wemple      |
| Cadin       | Gardner    | McManus      | Scovill      | Whitney F G |
| Cahn        | Gates      | Mead         | Shanahan     | Whitney G H |
| Callahan    | Grady      | Merritt      | Sheehy       | Wiegand     |
| Carrier     | Grattan    | Monroe       | Sheldon      | Wilsnack    |
| Caughlan    | Gray       | Moreland     | Sherry       | Wilson      |
| Charles E E | Gurnett    | Murphy       | Shuttleworth | Wolf        |
| Charles W B | Hackett    | Newton       | Slocum       | Wood F C    |
| Cooke       | Hammond    | Ogden        | Smith A P    | Wood F X    |
| Coon        | Hanford    | O'Neill      | Smith A E    | Yale        |
| Cotton      | Hapeman    | Parker       | Smith J E    | Young       |
| Coutant     |            |              |              |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 2247, Senate reprint No. 1544) entitled "An act to amend chapter 423 of the Laws of 1903, entitled 'An act to provide for the abolition, discontinuance and avoidance of certain grade crossings in the city of New York'" (Int. No. 1551), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1544.

Mr. La Fetra moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |           |
|-----------|------------|----------|----------|-----------|
| Agnew     | Cowan      | Hooker   | Pendry   | Smith R H |
| Allen F E | Cunningham | Hooper   | Perry    | Standart  |
| Allen J G | Dale       | Hornidge | Phillips | Stanley   |
| Anderson  | Dodd       | Hubbs    | Plank    | Steele    |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Donovan    | Hurd         | Platt        | Stevens      |
| Bass        | Dowling    | Knapp        | Pratt        | Sullivan     |
| Becker      | Ellis      | La Fetra     | Prentice     | Tenjost      |
| Beebe       | Evans      | La Rue       | Prince       | Thompson G F |
| Beihlf      | Everett    | Leggett      | Quinn        | Thompson J A |
| Bird        | Fish       | Machacek     | Reeve        | Thonet       |
| Bisland     | Fitzsimons | Maier        | Reilly       | Tompkins     |
| Brady       | Foelker    | Malloy       | Rigby        | Waddell      |
| Brooks      | Foster     | Mathews T F  | Rogers       | Wade         |
| Burnett     | Francisco  | Matthews C R | Rosenstein   | Wagner       |
| Burns       | Freidel    | McKeown      | Salomon      | Wadsworth    |
| Burzynski   | Fuller     | McManus      | Sammon       | Wainwright   |
| Byrne       | Gardner    | Mead         | Santee       | Wedemeyer    |
| Cadin       | Gates      | Miller       | Schoeneck    | West         |
| Cahn        | Grady      | Monroe       | Scovill      | Wemple       |
| Callahan    | Grattan    | Moreland     | Shanahan     | Whitney F G  |
| Carrier     | Gray       | Murphy       | Sheehy       | Whitney G H  |
| Caughlan    | Gurnett    | Newton       | Sheldon      | Wiegand      |
| Charles E E | Hackett    | Nugent       | Sherry       | Wilson       |
| Charles W B | Hammond    | Ogden        | Shuttleworth | Wolf         |
| Cooke       | Hanford    | O'Neill      | Slocum       | Wood F C     |
| Coon        | Hapeman    | Palmer       | Smith A P    | Yale         |
| Cotton      | Hartman    | Parker       | Smith J E    | Young        |
| Coutant     | Hastings   | Patton       | Smith J T    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 708, Senate reprint No. 1400) entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay, certain claims alleged to be due to certain dockmasters for services performed" (Int. No. 628), with a message that they have concurred in the passage of the same with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1400.

Mr. Beihlf moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|             |            |             |              |              |
|-------------|------------|-------------|--------------|--------------|
| Agnew       | Coutant    | Hastings    | Palmer       | Smith A P    |
| Allen F E   | Cowan      | Hooker      | Parker       | Smith A E    |
| Allen J G   | Cox        | Hooper      | Patton       | Smith J E    |
| Anderson    | Cunningham | Hornidge    | Pendry       | Smith J T    |
| Apgar       | Dale       | Hubbs       | Perry        | Standart     |
| Bass        | Dodd       | Hurd        | Phillips     | Steele       |
| Becker      | Dowling    | Knapp       | Plank        | Stevens      |
| Bedell      | Ellis      | La Fetra    | Platt        | Sullivan     |
| Beebe       | Etzel      | La Rue      | Pratt        | Thompson G F |
| Beihill     | Evans      | Lewis       | Prentice     | Thompson J A |
| Bisland     | Everett    | Machacek    | Prince       | Thonet       |
| Brady       | Fish       | Maier       | Quinn        | Tompkins     |
| Brooks      | Fitzsimons | Malloy      | Reeve        | Wade         |
| Burnett     | Foelker    | Mathews T F | Rigby        | Wagner       |
| Burns       | Foster     | Mathews C R | Rogers       | Wadsworth    |
| Burzynski   | Freidel    | McKeown     | Rosenstein   | Wainwright   |
| Byrne       | Fuller     | McManus     | Salomon      | West         |
| Cadin       | Gardner    | Mead        | Sammon       | Wemple       |
| Cahn        | Gates      | Merritt     | Santee       | Whitney F G  |
| Callahan    | Grattan    | Miller      | Schoeneck    | Whitney G H  |
| Carrier     | Gray       | Monroe      | Scovill      | Wilsnack     |
| Charles E E | Gurnett    | Murphy      | Shanahan     | Wilson       |
| Charles W B | Hackett    | Newton      | Sheehy       | Wolf         |
| Cooke       | Hammond    | Nugent      | Sheldon      | Wood F X     |
| Coon        | Hanford    | Ogden       | Shuttleworth | Yale         |
| Cotton      | Hapeman    | O'Neill     | Slocum       | Young        |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 1931, Senate reprint No. 1537) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James F. Shiels against the State of New York" (Int. No. 1402), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1537.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James F. Shiels against the state, for damages alleged to have been sustained by him, and to render judgment therefor."

Mr. Agnew moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur



in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hubbs        | Plank        | Steele       |
| Allen F E   | Dale       | Kavanaugh    | Platt        | Stevens      |
| Allen J G   | Dodd       | Knapp        | Prentice     | Sullivan     |
| Anderson    | Donovan    | La Fetra     | Prince       | Tenjest      |
| Apgar       | Dowling    | Leggett      | Quinn        | Thompson J A |
| Bass        | Ellis      | Lewis        | Reeve        | Thonet       |
| Bedell      | Etsel      | Maier        | Reilly       | Tompkins     |
| Beebe       | Evans      | Malloy       | Rigby        | Waddell      |
| Bird        | Everett    | Mathews T F  | Rogers       | Wade         |
| Bisland     | Fish       | Matthews C R | Salomon      | Wagner       |
| Brady       | Fitzsimons | McKeown      | Sammon       | Wadsworth    |
| Brooks      | Foelker    | McManus      | Santee       | Wainwright   |
| Burnett     | Foster     | Mead         | Schoeneck    | Wedemeyer    |
| Burns       | Freidel    | Merritt      | Scovill      | West         |
| Burzynski   | Fuller     | Monroe       | Sheehy       | Wemple       |
| Byrne       | Gates      | Moreland     | Sheldon      | Whitney F G  |
| Cadin       | Grady      | Murphy       | Sherry       | Whitney G H  |
| Cahn        | Grattan    | Newton       | Shuttleworth | Wiegand      |
| Carrier     | Gray       | Ogden        | Slocum       | Wilsnack     |
| Caughlan    | Hackett    | O'Neill      | Smith A P    | Wilson       |
| Charles E E | Hammond    | Parker       | Smith A E    | Wolf         |
| Charles W B | Hapeman    | Patton       | Smith J T    | Wood F C     |
| Cooke       | Hartman    | Pendry       | Smith R H    | Wood F X     |
| Cotton      | Hastings   | Perry        | Standart     | Yale         |
| Coutant     | Hooker     | Phillips     | Stanley      | Young        |
| Cowan       | Hornidge   |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1594, Senate reprint No. 1538) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Jairus Pierce against the State of New York for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 1239), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1538.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Jairus Pierce against the state for damages alleged to have been sustained by him, and to render judgment therefor."

Mr. Cadin moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooker       | Perry        | Smith R H    |
| Allen F E   | Cox        | Hooper       | Phillips     | Stanley      |
| Allen J G   | Cunningham | Hornidge     | Plank        | Steele       |
| Anderson    | Dale       | Hubbs        | Platt        | Stevens      |
| Apgar       | Dodd       | Hurd         | Pratt        | Sullivan     |
| Bass        | Donovan    | Kavanaugh    | Prentice     | Tenjest      |
| Becker      | Dowling    | Knapp        | Prince       | Thompson G F |
| Bedell      | Ellis      | La Rue       | Quinn        | Thompson J A |
| Beebe       | Etzel      | Leggett      | Reeve        | Thonet       |
| Beihlf      | Evans      | Lewis        | Reilly       | Tompkins     |
| Bird        | Everett    | Machacek     | Rigby        | Waddell      |
| Bisland     | Fitzsimons | Malloy       | Rogers       | Wade         |
| Brady       | Foelker    | Mathews T F  | Salomon      | Wagner       |
| Brooks      | Foster     | Matthews C R | Sammon       | Wadsworth    |
| Burns       | Francisco  | McKeown      | Santee       | Wainwright   |
| Burzynski   | Freidel    | McManus      | Schoeneck    | West         |
| Byrne       | Fuller     | Mead         | Scovill      | Wemple       |
| Cadin       | Gardner    | Merritt      | Shanahan     | Whitney F G  |
| Cahn        | Gates      | Monroe       | Sheehy       | Whitney G H  |
| Callahan    | Grady      | Moreland     | Sheldon      | Wiegand      |
| Carrier     | Grattan    | Murphy       | Sherry       | Wilsnack     |
| Caughlan    | Gray       | Nugent       | Shuttleworth | Wilson       |
| Charles E E | Hackett    | Ogden        | Slocum       | Wolf         |
| Charles W B | Hammond    | O'Neill      | Smith A P    | Wood F C     |
| Cooke       | Hanford    | Parker       | Smith A E    | Wood F X     |
| Coon        | Hapeman    | Patton       | Smith J E    | Yale         |
| Cotton      | Hartman    | Pendry       | Smith J T    | Young        |
| Coutant     | Hastings   |              |              |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1891, Senate reprint No. 1536) entitled "An act to confer jurisdiction upon the Court of

Claims to hear, audit and determine the alleged claim of Gustave Kaiser against the State of New York" (Int. No. 1379), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1536.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Gustave Kaiser against the state for damages alleged to have been sustained by him, and to render judgment therefor.

Mr. Agnew moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Patton       | Smith J T    |
| Allen F E   | Cox        | Hastings     | Pendry       | Smith R H    |
| Allen J G   | Cunningham | Hooper       | Perry        | Standart     |
| Anderson    | Dale       | Hornidge     | Phillips     | Steele       |
| Apgar       | Dodd       | Hubbs        | Plank        | Stevens      |
| Bass        | Donovan    | Kavanaugh    | Platt        | Sullivan     |
| Becker      | Dowling    | Knapp        | Pratt        | Thompson G F |
| Bedell      | Ellis      | La Petra     | Prince       | Thompson J A |
| Beebe       | Etzel      | Leggett      | Quinn        | Thonet       |
| Bird        | Everett    | Machacek     | Reeve        | Tompkins     |
| Bisland     | Fish       | Maier        | Reilly       | Waddell      |
| Brady       | Foelker    | Malloy       | Rigby        | Wagner       |
| Brooks      | Foster     | Mathews T F  | Rosenstein   | Wadsworth    |
| Burnett     | Francisco  | Matthews C R | Salomon      | Wainwright   |
| Burzynski   | Fuller     | McKeown      | Sammon       | West         |
| Byrne       | Gardner    | McManus      | Schoeneck    | Wemple       |
| Cadin       | Gates      | Mead         | Scovill      | Whitney F G  |
| Cahn        | Grady      | Merritt      | Sheehy       | Wiegand      |
| Callahan    | Grattan    | Miller       | Sheldon      | Wilson       |
| Carrier     | Gray       | Moreland     | Sherry       | Wolf         |
| Caughlan    | Gurnett    | Newton       | Shuttleworth | Wood F C     |
| Charles E E | Hackett    | Nugent       | Slocum       | Wood F X     |
| Charles W B | Hammond    | Ogden        | Smith A P    | Yale         |
| Coon        | Hanford    | Palmer       | Smith A E    | Young        |
| Cotton      | Hapeman    | Parker       | Smith J E    |              |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 928, Senate reprint No. 1541) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the claim of Cane, McCafrey & Co. for damages caused by breach of contract, and to render judgment therefor" (Int. No. 799), with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert Senate bill No. 1541.

Also, amend the title to read as follows:

"An act to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Cane, McCafrey and company against the state for damages alleged to have been sustained by them and to render judgment therefor."

Mr. Knapp moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

|           |            |          |          |              |
|-----------|------------|----------|----------|--------------|
| Agnew     | Cotton     | Hanford  | Ogden    | Smith A P    |
| Allen F E | Coutant    | Hapeman  | O'Neill  | Smith A E    |
| Allen J G | Cowan      | Hartman  | Palmer   | Smith J E    |
| Anderson  | Cox        | Hastings | Parker   | Smith R H    |
| Apgar     | Cunningham | Hooker   | Patton   | Standart     |
| Bass      | Dale       | Hooper   | Pendry   | Stanley      |
| Becker    | Dodd       | Hornidge | Perry    | Stevens      |
| Bedell    | Donovan    | Hubbs    | Phillips | Sullivan     |
| Beebe     | Dowling    | Hurd     | Plank    | Tenjost      |
| Beihlf    | Ellis      | Knapp    | Platt    | Thompson G F |
| Bird      | Evans      | La Fetra | Pratt    | Thompson J A |
| Bisland   | Everett    | La Rue   | Prentice | Tompkins     |
| Brady     | Fish       | Leggett  | Prince   | Waddell      |
| Brooks    | Foelker    | Lewis    | Quinn    | Wade         |
| Burnett   | Foster     | Maier    | Reeve    | Wagner       |

|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Burns       | Francisco | Malloy       | Rigby        | Wainwright  |
| Burzynski   | Freidel   | Mathews T F  | Rogers       | Wedemeyer   |
| Byrne       | Fuller    | Matthews C R | Rosenstein   | West        |
| Cadin       | Gardner   | McKeown      | Salomon      | Whitney F G |
| Cahn        | Gates     | McManus      | Sammon       | Whitney G H |
| Callahan    | Grady     | Mead         | Schoeneck    | Wiegand     |
| Carrier     | Grattan   | Merritt      | Scovill      | Wilson      |
| Caughlan    | Gray      | Miller       | Shanahan     | Wolf        |
| Charles E E | Gurnett   | Monroe       | Sheehy       | Wood F X    |
| Charles W B | Hackett   | Murphy       | Sherry       | Yale        |
| Cooke       | Hammond   | Newton       | Shuttleworth | Young       |
| Coon        |           |              |              |             |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the bill (No. 1343, Senate reprint No. 1476) entitled "An act to amend the Membership Corporations Law, in relation to the consolidation of cruelty corporations" (Int. No. 1092), with a message that they have concurred in the passage of the same with the following amendment:

Page 3, line 10, after the period insert the words "This exception shall not apply to the counties of New York, Kings, Queens, Nassau, Suffolk, Richmond, Westchester or Oneida."

On motion of Mr. Mead, said bill was recommitted to the committee on rules, retaining its place on the order of third reading.

A message was received from the Senate, in the words following:

IN SENATE, May 2, 1905.

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 524, reprint No. 1469) entitled "An act to amend section 359 of the Code of Civil Procedure, relative to stenographer for county court of Kings county." (Rec. No. 153.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Cooper, and by unanimous consent, the same was amended as follows:

Page 1, line 3, after the figures "359" strike out lines 3 and 4.

Said bill as amended was reprinted, re-engrossed, and, having been upon the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*



Mr. O'Neill moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cowan      | Hooker       | Pendry       | Smith J E    |
| Allen F E   | Cox        | Hooper       | Perry        | Smith J T    |
| Allen J G   | Cunningham | Hubbs        | Phillips     | Smith R H    |
| Apgar       | Dale       | Hurd         | Plank        | Standart     |
| Bass        | Dodd       | Kavanaugh    | Platt        | Steele       |
| Becker      | Donovan    | La Fetra     | Pratt        | Stevens      |
| Bedell      | Dowling    | La Rue       | Prentice     | Sullivan     |
| Beihliff    | Ellis      | Lewis        | Prince       | Thompson G F |
| Bird        | Etzel      | Machacek     | Quinn        | Thompson J A |
| Bisland     | Evans      | Maier        | Reeve        | Thonet       |
| Brady       | Everett    | Malloy       | Reilly       | Tompkins     |
| Brooks      | Fish       | Mathews T F  | Rigby        | Wade         |
| Burnett     | Fitzsimons | Matthews C R | Rogers       | Wagner       |
| Burns       | Foelker    | McKeown      | Rosenstein   | Wadsworth    |
| Burzynski   | Foster     | McManus      | Salomon      | Wainwright   |
| Byrne       | Francisco  | Mead         | Sammon       | Wedemeyer    |
| Cadin       | Fuller     | Merritt      | Santee       | Wemple       |
| Cahn        | Gardner    | Monroe       | Schoeneck    | Whitney F G  |
| Callahan    | Gates      | Moreland     | Scovill      | Whitney G H  |
| Carrier     | Grattan    | Murphy       | Shanahan     | Wiegand      |
| Caughlan    | Gray       | Nugent       | Sheldon      | Wilson       |
| Charles E E | Gurnett    | Ogden        | Sherry       | Wolf         |
| Charles W B | Hackett    | O'Neill      | Shuttleworth | Wood F C     |
| Cooke       | Hammond    | Palmer       | Slocum       | Wood F X     |
| Cotton      | Hapeman    | Parker       | Smith A P    | Yale         |
| Coutant     | Hartman    | Patton       | Smith A E    | Young        |

Said bill as amended was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

|           |            |          |         |           |
|-----------|------------|----------|---------|-----------|
| Agnew     | Coutant    | Hapeman  | Nugent  | Smith J E |
| Allen F E | Cowan      | Hartman  | Ogden   | Smith R H |
| Allen J G | Cox        | Hastings | O'Neill | Standart  |
| Anderson  | Cunningham | Hooker   | Parker  | Stanley   |

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Apgar       | Dodd       | Hoopér       | Patton       | Steele       |
| Bass        | Donovan    | Hornidge     | Pendry       | Sullivan     |
| Bedell      | Dowling    | Hubbs        | Perry        | Tenjest      |
| Beebe       | Ellis      | Hurd         | Phillips     | Thompson J A |
| Beihlf      | Etzel      | Kavanaugh    | Plank        | Thonet       |
| Bird        | Evans      | Knapp        | Platt        | Tompkins     |
| Bisland     | Everett    | La Fetra     | Pratt        | Waddell      |
| Brady       | Fitzsimons | Leggett      | Prentice     | Wade         |
| Brooks      | Foelker    | Lewis        | Quinn        | Wagner       |
| Burnett     | Foster     | Machacek     | Reeve        | Wadsworth    |
| Burns       | Francisco  | Maier        | Reilly       | Wainwright   |
| Burzynski   | Freidel    | Malloy       | Rogers       | Wedemeyer    |
| Byrne       | Fuller     | Mathews T F  | Rosenstein   | Wemple       |
| Cadin       | Gardner    | Matthews C R | Salomon      | Whitney F G  |
| Cahn        | Gates      | McKeown      | Santee       | Whitney G H  |
| Callahan    | Grady      | McManus      | Schoeneck    | Wiegand      |
| Carrier     | Grattan    | Merritt      | Scovill      | Wilsnack     |
| Caughlan    | Gray       | Miller       | Sheehy       | Wolf         |
| Charles E E | Gurnett    | Monroe       | Sheldon      | Wood F C     |
| Charles W B | Hackett    | Moreland     | Shuttleworth | Wood F X     |
| Cooke       | Hammond    | Murphy       | Slocum       | Yale         |
| Coon        | Hanford    | Newton       | Smith A E    | Young        |
| Cotton      |            |              |              |              |

### In the negative:

Palmer

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended have again passed the same.

Mr. Rogers moved that all further proceedings under the close call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hanford offered for the consideration of the House a resolution in the words following:

Resolved, That the Speaker of the Assembly be and he hereby is authorized to appoint seven members of the Assembly, who shall be a special committee of this body with full power and authority to investigate, during the recess, all and singular, conditions in the Adirondacks, as follows:

To what extent thefts of timber on State lands have been carried on and to recommend legislation designed to prevent further encroachments upon the State's property; what additional legislation is required for the preservation of the forests and for their development and use; to suggest additional safeguards for protecting the forests against the ravages of fire; whether or not the forest, fish and game laws are being violated, and if so

to what extent and to suggest remedial legislation for the proper enforcement of the statutes; to investigate the assessment and taxation of lands within the Forest Preserve counties and recommend such measures as may be necessary to insure the assessment of wild and forest lands in accordance with the provisions of the tax laws; to visit the various State hatcheries under the control of the Forest, Fish and Game Commission, examine into the condition and extent of the property and methods of operation; to examine the question of the pollution of streams and its effect on the fish therein; what additional wild forest lands within the Adirondack park boundaries are available for purchase by the State as a part of the Forest Preserve; to examine and report as to the wisdom of a constitutional amendment permitting the sale of undesirable lands owned by the State outside the Adirondack park and the application of the proceeds thereof to the purchase of additional lands within the borders of the Adirondack park. Such committee shall have full power to prosecute its inquiries in every direction necessary to arrive at a full and accurate knowledge of said subjects and report the facts in reference thereto.

Said committee is hereby authorized to employ a clerk and such other employees and assistance as it may find necessary, and to incur necessary expenses for committee rooms, traveling and hotel accommodations.

It shall have the power to compel the production before it of any books, papers, or documentary evidence of any character, to compel the attendance of and examine any witnesses. Such production of documents or attendance of witnesses may be required by subpoena signed by the chairman or acting chairman of said committee, and served by the person or persons whom he may designate. Any member of said committee may administer the oath to any witness before it and shall exercise and enjoy all the powers, privileges and authority conferred by law upon a legislative committee, with full power to enforce its directions and mandates. Such committee may meet after the adjournment of this Legislature, with power to sit outside the city of Albany, and shall report to the next Legislature the result of such investigation, with such recommendations and proposed legislation as in its judgment the public interests require.

The expense of such investigation, not to exceed \$6,000, shall be paid out of the appropriation for the contingent expenses of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Coutant    | Hartman      | Parker       | Smith A E    |
| Allen F E   | Cowan      | Hastings     | Patton       | Smith J E    |
| Allen J G   | Cox        | Hooper       | Pendry       | Smith R H    |
| Anderson    | Cunningham | Hornidge     | Perry        | Standart     |
| Apgar       | Dale       | Hubbs        | Phillips     | Steele       |
| Bass        | Dodd       | Kavanaugh    | Plank        | Stevens      |
| Becker      | Donovan    | La Fetra     | Platt        | Sullivan     |
| Bedell      | Dowling    | La Rue       | Pratt        | Tenjost      |
| Beihlf      | Ellis      | Leggett      | Prince       | Thompson G F |
| Bird        | Etzel      | Lewis        | Quinn        | Thompson J A |
| Bisland     | Evans      | Machacek     | Reeve        | Thonet       |
| Brady       | Everett    | Maier        | Reilly       | Waddell      |
| Brooks      | Fish       | Malloy       | Rigby        | Wagner       |
| Burnett     | Foelker    | Mathews T F  | Rogers       | Wadsworth    |
| Burns       | Foster     | Matthews C R | Rosenstein   | Wainwright   |
| Burzynski   | Freidel    | McKeown      | Salomon      | West         |
| Cadin       | Gardner    | McManus      | Sammon       | Wemple       |
| Cahn        | Gates      | Merritt      | Schoeneck    | Whitney F G  |
| Callahan    | Grady      | Miller       | Scovill      | Wiegand      |
| Carrier     | Grattan    | Monroe       | Shanahan     | Wilson       |
| Caughlan    | Gray       | Moreland     | Sheehy       | Wolf         |
| Charles E E | Gurnett    | Murphy       | Sheldon      | Wood F C     |
| Charles W B | Hackett    | Nugent       | Sherry       | Wood F X     |
| Cooke       | Hammond    | Ogden        | Shuttleworth | Yale         |
| Coon        | Hanford    | O'Neill      | Slocum       | Young        |
| Cotton      | Hapeman    | Palmer       |              |              |

Mr. Mead offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 305, entitled "An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor" (Int. No. 290), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That there be appointed a joint committee, consisting of three members of the Senate to



be appointed by the President thereof, and four members of the Assembly to be appointed by the Speaker thereof, for the purpose of examining the existing provisions of law relative to highways and the operation thereof, and the conditions and method of construction and maintenance of the highways of the State, with power to investigate the highway laws and the construction and maintenance of highways of adjoining States, and reporting to the Legislature of 1906 such amendments to existing law and such recommendations, together with a plan for the equitable distribution of any moneys hereafter appropriated for the purpose of constructing or maintaining highways in this State, as such investigation may determine to be proper.

And that such committee shall have power to employ one stenographer, if necessary, examine witnesses, books and papers, under process, if required, and sit at such times and places as shall be deemed necessary for the purpose, after the adjournment of the present session, and that the expenses of such committee, not to exceed the sum of \$3,500, shall be paid out of the appropriation for the contingent expenses of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Cox        | Hubbs        | Phillips   | Smith R H    |
| Allen F E | Cunningham | Hurd         | Plank      | Standart     |
| Anderson  | Dale       | Knapp        | Platt      | Stanley      |
| Apgar     | Dodd       | La Fetra     | Pratt      | Steele       |
| Becker    | Donovan    | La Rue       | Prentice   | Stevens      |
| Bedell    | Dowling    | Leggett      | Prince     | Sullivan     |
| Beebe     | Ellis      | Lewis        | Quinn      | Tenjost      |
| Beihilf   | Etsel      | Machacek     | Reeve      | Thompson G F |
| Bisland   | Evans      | Maier        | Reilly     | Thonet       |
| Brady     | Everett    | Malloy       | Rigby      | Tompkins     |
| Brooks    | Fish       | Mathews T F  | Rogers     | Waddell      |
| Burnett   | Fitzsimons | Matthews C R | Rosenstein | Wagner       |
| Burns     | Foelker    | McKeown      | Salomon    | Wadsworth    |
| Burzynski | Francisco  | McManus      | Sammon     | Wainwright   |
| Byrne     | Freidel    | Merritt      | Santee     | Wedemeyer    |
| Cadin     | Fuller     | Miller       | Schoeneck  | West         |
| Cahn      | Gardner    | Monroe       | Scovill    | Wemple       |
| Callahan  | Gates      | Moreland     | Shanahan   | Whitney F G  |
| Carrier   | Grattan    | Murphy       | Sheehy     | Whitney G H  |
| Caughlan  | Gurnett    | Newton       | Sheldon    | Wiegand      |



|             |          |         |              |          |
|-------------|----------|---------|--------------|----------|
| Charles E E | Hackett  | Nugent  | Sherry       | Wilsnack |
| Charles W B | Hammond  | O'Neill | Shuttleworth | Wilson   |
| Cooke       | Hanford  | Palmer  | Slocum       | Wolf     |
| Coon        | Hartman  | Parker  | Smith A P    | Wood F C |
| Cotton      | Hastings | Patton  | Smith A E    | Wood F X |
| Coutant     | Hooper   | Pendry  | Smith J E    | Yale     |
| Cowan       | Hornidge | Perry   | Smith J T    | Young    |

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That Senate bill No. 344, entitled "An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof,' in relation to compensation of under-sheriff, jailer and attendants" (Rec. No. 79), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Also, the following:

Resolved (if the Assembly concur), That Senate bill No. 874, entitled "An act to amend the Banking Law with reference to a semi-annual examination by directors of banks and trust companies" (Rec. No. 196), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Also, the following:

Resolved (if the Assembly concur), That Senate bill No. 759, entitled "An act to amend the State Charities Law, in relation to the State Custodial Asylum for Feeble-Minded Women at Newark" (Rec. No. 136), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 727, entitled "An act to amend the Code of Civil Procedure, relative to exemptions of jurors from service" (Int. No. 647), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 493, entitled "An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in regard to the practice of medicine" (Int. No. 463), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 1427, entitled "An act to amend an act entitled 'An act to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county'" (Int. No. 1140), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 305, entitled "An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor" (Int. No. 290), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Senate bill (No. 1214, Assembly reprint No. 2325), entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' as amended by chap-

ter 616 of the Laws of 1900, and further amended by chapter 544 of the Laws of 1902" (Rec. No. 351), with a message in the words following:

*To the Legislature:*

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon Assembly bill (No. 2325) entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' as amended by chapter 616 of the Laws of 1900, and further amended by chapter 544 of the Laws of 1902," report that they have duly conferred upon said matters, and agreed to recommend that the Assembly recede from its amendments and in favor of the passage of the original Senate bill attached hereto. (No. 1214.)

NATHANIEL A. ELSBERG,      JEAN L. BURNETT,  
THOS. F. GRADY,              F. W. HAMMOND,

*For the Senate.*      G. B. AGNEW,  
EZRA P. PRENTICE,

*For the Assembly.*

Mr. Burnett moved to agree to the report of the committee of conference.

Mr. Speaker put the question whether the House would agree to the report of the committee of conference, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

|           |             |          |          |              |
|-----------|-------------|----------|----------|--------------|
| Agnew     | Charles W B | Gurnett  | Monroe   | Slocum       |
| Allen F E | Cooke       | Hammond  | Moreland | Smith A E    |
| Allen J G | Cotton      | Hanford  | Newton   | Smith J E    |
| Anderson  | Coutant     | Hapeman  | Ogden    | Smith R H    |
| Apgar     | Cowan       | Hartman  | Palmer   | Standart     |
| Bass      | Cox         | Hooker   | Patton   | Stevens      |
| Becker    | Dodd        | Hooper   | Pendry   | Tenjost      |
| Bedell    | Donovan     | Hornidge | Perry    | Thompson G F |
| Beebe     | Dowling     | Hubbs    | Phillips | Thompson J A |
| Beihilf   | Ellis       | Hurd     | Platt    | Waddell      |
| Bisland   | Etzel       | Knapp    | Pratt    | Wade         |
| Brady     | Evans       | La Fetra | Prentice | Wainwright   |
| Brooks    | Fish        | Leggett  | Prince   | West         |
| Burnett   | Foelker     | Lewis    | Reeve    | Wemple       |

|             |         |              |          |             |
|-------------|---------|--------------|----------|-------------|
| Burzynski   | Foster  | Machacek     | Rigby    | Whitney F G |
| Byrne .     | Freidel | Mathews T F  | Salomon  | Wiegand     |
| Cadin       | Fuller  | Matthews C R | Santee   | Wilson      |
| Cahn        | Gardner | McKeown      | Scovill  | Wolf        |
| Callahan    | Gates   | McManus      | Shanahan | Wood F C    |
| Carrier     | Grattan | Mead         | Sheldon  | Wood F X    |
| Charles E E | Gray    | Miller       | Sherry   | Young       |

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have agreed to the report of the committee of conference thereon.

At 12.45 o'clock p. m., on motion of Mr. Rogers, the House took a recess until 1.30 o'clock p. m.

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### ONE O'CLOCK AND THIRTY MINUTES.

The House again convened.

The Senate returned the concurrent resolution relating to the appointment of a committee to investigate the expenditures on the part of the State government, with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to delays and errors in printing, with a message that they have concurred in the passage of the same.

Mr. Burnett offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to inform the Senate that the Assembly has completed its labors and that it is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Burnett and McKeown.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly has completed its labors and that it is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Rogers and Palmer.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved, That James H. Millard, chief messenger in charge of pages, and Dwight L. Goewey, Clerk's messenger, be directed to remain for sixty days after the adjournment of the Legislature to attend to the proper shipping of boxes and other matters, under the direction of the Clerk of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

|             |            |              |              |              |
|-------------|------------|--------------|--------------|--------------|
| Agnew       | Cox        | Hooker       | Parker       | Smith J E    |
| Allen F E   | Cunningham | Hooper       | Patton       | Smith J T    |
| Allen J G   | Dale       | Hornidge     | Pendry       | Smith R H    |
| Anderson    | Dodd       | Hubbs        | Perry        | Standart     |
| Bass        | Donovan    | Hurd         | Phillips     | Steele       |
| Becker      | Dowling    | Kavanaugh    | Plank        | Stevens      |
| Bedell      | Etzel      | La Fetra     | Pratt        | Tenlost      |
| Beebe       | Evans      | La Rue       | Prentice     | Thompson G F |
| Beihlf      | Fish       | Lewis        | Prince       | Thompson J A |
| Bisland     | Fitzsimons | Machacek     | Reeve        | Thonet       |
| Brady       | Foelker    | Malloy       | Reilly       | Wagner       |
| Brooks      | Foster     | Mathews T F  | Rogers       | Wade         |
| Burnett     | Freidel    | Matthews C R | Rosenstein   | Wagner       |
| Burns       | Gardner    | McKeown      | Salomon      | Wainwright   |
| Burzynski   | Gates      | McManus      | Sammon       | Wedemeyer    |
| Cadin       | Grady      | Mead         | Santre       | Wemple       |
| Cahn        | Gray       | Miller       | Schoeneck    | Whitney G H  |
| Carrier     | Gurnett    | Monroe       | Shanahan     | Wiegand      |
| Charles E E | Hackett    | Murphy       | Sheehy       | Wilsnack     |
| Charles W B | Hammond    | Nugent       | Sheldon      | Wolf         |
| Coon        | Hapeman    | Ogden        | Shuttleworth | Wood F C     |
| Cotton      | Hartman    | O'Neill      | Slocum       | Yale         |
| Cowan       | Hastings   | Palmer       | Smith A P    | Young        |

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved, That the Assembly postmaster be and hereby is authorized and directed to remain for a period of ten days after



the adjournment of this Legislature to close up the affairs of his office and forward mail matter.

Mr. Spēaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Agnew       | Cox        | Hooper       | Pendry     | Standart     |
| Allen F E   | Cunningham | Hornidge     | Perry      | Steele       |
| Allen J G   | Dale       | Hurd         | Phillips   | Sullivan     |
| Anderson    | Dodd       | Knapp        | Platt      | Thompson G F |
| Apgar       | Donovan    | La Rue       | Pratt      | Thompson J A |
| Bass        | Ellis      | Leggett      | Prentice   | Thonet       |
| Bedell      | Etzel      | Machacek     | Quinn      | Waddell      |
| Beihlf      | Evans      | Maier        | Reeve      | Wade         |
| Bisland     | Fish       | Malloy       | Reilly     | Wagner       |
| Brooks      | Foelker    | Mathews T F  | Rigby      | Wainwright   |
| Burns       | Foster     | Matthews C R | Rosenstein | Wedemeyer    |
| Byrne       | Freidel    | McKeown      | Salomon    | West         |
| Cadin       | Fuller     | McManus      | Santee     | Whitney F G  |
| Cahn        | Gates      | Mead         | Schoeneck  | Whitney G H  |
| Callahan    | Grattan    | Merriitt     | Shanahan   | Wiegand      |
| Carrier     | Gurnett    | Miller       | Sheehy     | Wilsnack     |
| Caughlan    | Hammond    | Moreland     | Sherry     | Wilson       |
| Charles E E | Hanford    | Murphy       | Slocum     | Wolf         |
| Charles W B | Hapeman    | Newton       | Smith A P  | Wood F C     |
| Coon        | Hartman    | Nugent       | Smith A E  | Wood F X     |
| Cotton      | Hastings   | O'Neill      | Smith J E  | Yale         |
| Coutant     | Hooker     | Parker       | Smith R H  | Young        |

Mr. Cox offered for the consideration of the House a resolution, in the words following:

Resolved, That the Sergeant-at-Arms be and hereby is authorized and directed to take charge of and perform all necessary duties required by any committee of the Assembly or subcommittee thereof that shall conduct any investigation or examination authorized by the Assembly to be performed by such committee during recess.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were :

|             |            |              |            |              |
|-------------|------------|--------------|------------|--------------|
| Apgar       | Cunningham | Hooker       | Patton     | Smith J T    |
| Allen F E   | Dale       | Hooper       | Pendry     | Standart     |
| Anderson    | Dodd       | Hornidge     | Perry      | Stanley      |
| Apgar       | Donovan    | Hubbs        | Phillips   | Steele       |
| Bass        | Ellis      | Hurd         | Plank      | Stevens      |
| Becker      | Etzel      | Kavanaugh    | Platt      | Sullivan     |
| Bedell      | Evans      | Knapp        | Pratt      | Tenjost      |
| Beebe       | Everett    | La Rue       | Prentice   | Thompson G F |
| Beihilf     | Fish       | Leggett      | Prince     | Thonet       |
| Bird        | Fitzsimons | Lewis        | Quinn      | Tompkins     |
| Bisland     | Foelker    | Machacek     | Reeve      | Waddell      |
| Brady       | Foster     | Maier        | Reilly     | Wade         |
| Brooks      | Francisco  | Mathews T F  | Rigby      | Wagner       |
| Burnett     | Freidel    | Matthews C R | Rogers     | Wainwright   |
| Burzynski   | Fuller     | McKeown      | Rosenstein | Wedemeyer    |
| Byrne       | Gardner    | McManus      | Salomon    | Wemple       |
| Cadin       | Gates      | Mead         | Santee     | Whitney F G  |
| Cahn        | Grady      | Miller       | Schoeneck  | Whitney G H  |
| Callahan    | Grattan    | Monroe       | Scovill    | Wilsnack     |
| Carrier     | Gray       | Moreland     | Shanahan   | Wilson       |
| Charles E E | Gurnett    | Murphy       | Sheldon    | Wolf         |
| Charles W B | Hackett    | Newton       | Sherry     | Wood F C     |
| Cooke       | Hammond    | Nugent       | Slocum     | Wood F X     |
| Cotton      | Hanford    | Ogden        | Smith A P  | Yale         |
| Coutant     | Hapeman    | Palmer       | Smith J E  | Young        |
| Cox         | Hartman    | Parker       |            |              |

Mr. Cadin offered for the consideration of the House a resolution, in the words following :

Resolved, That the Clerk of the Assembly is hereby authorized and directed to appoint a stenographer to remain for a period of thirty days after the adjournment of the Legislature to perform any duties that may be required by the Assistant Clerk, the journal clerk and the index clerk during said period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were :

|           |         |          |          |              |
|-----------|---------|----------|----------|--------------|
| Agnew     | Dowling | Hubbs    | Perry    | Steele       |
| Allen F E | Ellis   | Hurd     | Phillips | Stevens      |
| Anderson  | Evans   | Knapp    | Platt    | Sullivan     |
| Apgar     | Everett | La Fetra | Pratt    | Tenjost      |
| Becker    | Fish    | La Rue   | Prentice | Thompson G F |

|             |           |              |              |             |
|-------------|-----------|--------------|--------------|-------------|
| Bedell      | Foelker   | Leggett      | Quinn        | Thonet      |
| Beihlf      | Foster    | Lewis        | Reeve        | Tompkins    |
| Bisland     | Francisco | Maier        | Reilly       | Waddell     |
| Brooks      | Freidel   | Malloy       | Rigby        | Wade        |
| Burns       | Fuller    | Mathews T F  | Rosenstein   | Wagner      |
| Burzynski   | Gardner   | Matthews C R | Salomon      | Wainwright  |
| Cadin       | Gates     | McKeown      | Santee       | Wedemeyer   |
| Cahn        | Grady     | McManus      | Schoeneck    | West        |
| Callahan    | Grattan   | Merritt      | Scovill      | Wemple      |
| Caughlan    | Gray      | Monroe       | Shanahan     | Whitney G H |
| Charles E E | Gurnett   | Moreland     | Sheldon      | Wiegand     |
| Charles W B | Hackett   | Murphy       | Shuttleworth | Wilsnack    |
| Cooke       | Hanford   | Nugent       | Slocum       | Wilson      |
| Cotton      | Hapeman   | Ogden        | Smith A P    | Wolf        |
| Coutant     | Hartman   | O'Neill      | Smith J E    | Wood F C    |
| Cox         | Hastings  | Parker       | Smith J T    | Yale        |
| Cunningham  | Hooker    | Patton       | Smith R H    | Young       |
| Dodd        | Hornidge  | Pendry       | Stanley      |             |

Pursuant to the foregoing resolution, the Clerk announced the appointment of Grace C. Squires as such stenographer.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Whereas, The library of the Assembly should be accessible at all times during the year to the members of the Assembly and the officers thereof, and the printed reports, documents, laws and journals should be kept intact, and proper indices provided for the present reference and future guidance; therefore,

Resolved, That the librarian and assistant librarian of the Assembly, under and in compliance with its rules, be requested, and they are hereby authorized and directed to devote the necessary time and use proper diligence until their successors are duly appointed, according to law, in preserving all records, books, documents and proceedings composing the Assembly library and preparing indices therefor, and that they afford the facilities during said term for proper access to said library.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

|           |            |          |         |           |
|-----------|------------|----------|---------|-----------|
| Agnew     | Cox        | Hartman  | O'Neill | Smith J T |
| Allen F E | Cunningham | Hastings | Parker  | Smith R H |
| Allen J G | Dale       | Hooker   | Patton  | Standart  |
| Anderson  | Dodd       | Hooper   | Pendry  | Stanley   |
| Apgar     | Donovan    | Hornidge | Perry   | Steele    |

|             |           |              |           |              |
|-------------|-----------|--------------|-----------|--------------|
| Bass        | Dowling   | Hubbs        | Phillips  | Sullivan     |
| Becker      | Ellis     | Hurd         | Plank     | Tenjest      |
| Bedell      | Etzel     | Knapp        | Platt     | Thompson G F |
| Beebe       | Evans     | La Fetra     | Pratt     | Thompson J A |
| Beihlf      | Everett   | La Rue       | Prentice  | Tompkins     |
| Bisland     | Fish      | Leggett      | Quinn     | Waddell      |
| Brady       | Foelker   | Machacek     | Reeve     | Wagner       |
| Brooks      | Foster    | Maier        | Reilly    | Wadsworth    |
| Burns       | Francisco | Malloy       | Rigby     | Wainwright   |
| Burzynski   | Freidel   | Mathews T F  | Rogers    | Wedemeyer    |
| Byrne       | Fuller    | Matthews C R | Salomon   | West         |
| Cadin       | Gardner   | McKeown      | Sammon    | Whitney F G  |
| Callahan    | Gates     | McManus      | Santee    | Whitney G H  |
| Carrier     | Grady     | Mead         | Scovill   | Wiegand      |
| Caughlan    | Grattan   | Merritt      | Shanahan  | Wilson       |
| Charles E E | Gray      | Monroe       | Sheldon   | Wolf         |
| Charles W B | Gurnett   | Moreland     | Sherry    | Wood F C     |
| Coon        | Hackett   | Murphy       | Slocum    | Wood F X     |
| Cotton      | Hammond   | Newton       | Smith A P | Yale         |
| Coutant     | Hanford   | Nugent       | Smith A E | Young        |
| Cowan       | Hapeman   | Ogden        |           |              |

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved, That the Speaker's stenographer be and hereby is authorized and directed to remain for a period of twenty days after the adjournment of this Legislature to perform any duty that may be required by the Speaker.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

|           |            |              |            |              |
|-----------|------------|--------------|------------|--------------|
| Agnew     | Coon       | Hammond      | Palmer     | Smith J T    |
| Allen J G | Cotton     | Hanford      | Parker     | Smith R H    |
| Anderson  | Coutant    | Hartman      | Pendry     | Standart     |
| Apgar     | Cowan      | Hastings     | Perry      | Stanley      |
| Bass      | Cox        | Hooper       | Phillips   | Stevens      |
| Becker    | Cunningham | Hornidge     | Plank      | Sullivan     |
| Bedell    | Dale       | Hubbs        | Pratt      | Thompson G F |
| Beebe     | Donovan    | Kavanaugh    | Prentice   | Thompson J A |
| Beihlf    | Dowling    | Knapp        | Prince     | Thonet       |
| Bird      | Etzel      | La Rue       | Quinn      | Waddell      |
| Bisland   | Evans      | Leggett      | Reeve      | Wade         |
| Brady     | Everett    | Machacek     | Rigby      | Wadsworth    |
| Brooks    | Fish       | Maier        | Rogers     | Wainwright   |
| Burns     | Fitzsimons | Malloy       | Rosenstein | West         |
| Burzynski | Foelker    | Mathews T F  | Sammon     | Wemple       |
| Byrne     | Francisco  | Matthews C R | Santee     | Whitney F G  |
| Cadin     | Freidel    | McKeown      | Schoeneck  | Wiegand      |
| Cahn      | Gardner    | McManus      | Shanahan   | Wilsnack     |

|             |         |          |              |          |
|-------------|---------|----------|--------------|----------|
| Callahan    | Gates   | Merritt  | Sheehy       | Wilson   |
| Carrier     | Grady   | Monroe   | Sherry       | Wolf     |
| Caughlan    | Grattan | Moreland | Shuttleworth | Wood F X |
| Charles E E | Gray    | Newton   | Smith A P    | Yale     |
| Charles W B | Gurnett | Nugent   | Smith A E    | Young    |
| Cooke       | Hackett | O'Neill  |              |          |

Pursuant to concurrent resolution providing for a joint committee to negotiate with the State of Vermont and the Province of Quebec and a committee of the Legislature of Pennsylvania, with regard to uniform protection of game fish in waters forming a part of the boundaries of the State, Mr. Speaker appointed as such committee on the part of the Assembly Messrs. Knapp and Bedell.

Pursuant to resolution providing for a committee to investigate during the recess all and irregular conditions in the Adirondacks, Mr. Speaker appointed as such committee Messrs. Hanford, Coutant, Dowling, Grattan, W. B. Charles, Malloy and Gurnett.

Pursuant to concurrent resolution providing for a joint committee to investigate the extent of the powers now possessed by the State to regulate the affairs of Indians, Mr. Speaker appointed as such committee on the part of the Assembly Messrs. C. R. Matthews, Sheldon, F. X. Wood, G. F. Thompson and Hackett.

Pursuant to concurrent resolution providing for a joint committee to revise the uniform charter for cities of the second class, Mr. Speaker appointed as such committee on the part of the Assembly Messrs Wemple, Rigby, Gates and Donovan.

Pursuant to concurrent resolution providing for a joint committee to investigate the expenditures on the part of the State government, Mr. Rogers appointed as such committee on the part of the Assembly Messrs. Burnett, Phillips and Palmer.

Pursuant to concurrent resolution providing for a joint committee for the purpose of examining the existing provisions of law relative to highways and the operation thereof and the conditions and methods of construction and maintenance of the highways of the State, Mr. Speaker appointed as members of such committee on the part of the Assembly Messrs. Hooker, Merritt, Moreland and Cooke.



The Senate returned the bill (No. 1014, Senate reprint No. 1181) entitled "An act to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (Int. No. 454), with a message that said bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2354) entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" (Int. No. 1373), with a message that they have agreed to the report of the conference committee thereon.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend sections 8 and 62 of the State Finance Law, in relation to security from banks designated as depositories of State moneys." (No. 2239, Int. No. 1542.)

"An act to amend section 1 of chapter 215 of the Laws of 1883 as amended by section 1 of chapter 554 of the Laws of 1888, entitled 'An act fixing the salaries of the stenographers of the Supreme Court in the Eighth Judicial District,' relative to duties and fees of such stenographers." (No. 1486, Int. No. 29.)

"An act to provide for the representation of the State of New York at the Lewis and Clark Centennial Exposition, at Portland, Ore., and reappropriating money heretofore appropriated for such purpose." (No. 894, Int. No. 783.)

"An act to amend chapter 462 of the Laws of 1899, entitled 'An act to amend the Poor Law, in relation to relief of soldiers by Grand Army posts,' in relation to relief of soldiers." (No. 1398, Int. No. 472.)

"An act to amend the Code of Civil Procedure, in relation to the exemption of jurors." (No. 2206, Int. No. 1526.)

"An act to legalize and validate the official acts of notaries public." (No. 1256, Int. No. 390.)

"An act to amend the Code of Civil Procedure relative to the qualification of a referee." (No. 1679, Int. No. 546.)

"An act to amend the Banking Law, relative to security for loans made by cooperative savings and loan associations." (No. 2093, Int. No. 547.)

"An act to amend chapter 414 of the Laws of 1897, entitled 'An act in relation to villages, constituting chapter 21 of the general laws,' in relation to poll tax and the enforcement of the collection thereof." (No. 2044, Int. No. 1444.)

"An act appointing a committee to examine into the operations of the probation system and to report to the Legislature through the Governor." (No. 2083, Int. No. 1468.)

"An act for the relief of Adelia Queenie Barker." (No. 2208, Int. No. 1528.)

"An act to amend the Tax Law, relative to the publication of lists of real property to be sold for unpaid taxes." (No. 2133, Int. No. 1487.)

"An act to amend the Code of Civil Procedure, in relation to jail liberties in the county of Broome." (No. 2130, Int. No. 1484.)

"An act to provide for the participation of the State of New York in the Jamestown Ter-Centennial Exposition, to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year 1907, and making an appropriation therefor." (No. 2217, Int. No. 1537.)

"An act to amend the Forest, Fish and Game Law, in relation to fishing in Chautauqua county." (No. 2225, Int. No. 1205.)

"An act to amend chapter 147 of the Laws of 1903, entitled 'An act making provision for issuing bonds to the amount of not to exceed \$101,000,000 for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year 1903,' in relation to locks and channel." (No. 2227, Int. No. 1453.)

"An act to amend the Town Law, in relation to shade trees and the appointment of a tree warden." (No. 2219, Int. No. 688.)

"An act to amend the Stock Corporations Law in relation to the power to borrow money and mortgage property." (No. 1746, Int. No. 1317.)

"An act to amend the Agricultural Law, in relation to the prevention of disease in fruit trees, and the pests that infest the same." (No. 2220, Int. No. 819.)

"An act to provide for the taxation for school purposes of the lands owned by the State and situate within the boundaries of union free school district No. 2 of the town of Wawarsing, Ulster county." (No. 711, Int. No. 631.)

"An act to amend the Tax Law, in relation to the levying of taxes upon and the resale of real property that has been once sold for taxes." (No. 2187, Int. No. 1276.)

"An act to amend chapter 686 of the Laws of 1894, entitled, as amended, 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' by exempting certain roads from certain of the provisions thereof." (No. 1525, Int. No. 670.)

"An act to amend the Code of Civil Procedure, relative to the possession of property on giving security." (No. 2185, Int. No. 402.)

"An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class,' relative to police pension fund and firemen's pension fund." (No. 2234, Int. No. 1477.)

"An act to amend the Penal Code, relative to violations of health Laws." (No. 2248, Int. No. 1552.)

"An act to amend the Tax Law in relation to taxable transfers of property." (No. 2331, Int. No. 1573.)

"An act to incorporate Third Franciscan Order, Minor Conventuals." (No. 2362, Int. No. 1595.)

"An act to provide for the repairing of the Montezuma turnpike across Montezuma marsh, and making an appropriation therefor." (No. 368, Int. No. 368.)

"An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State." (No. 2348, Int. No. 1589.)

"An act to amend chapter 568 of the Laws of 1890, known as the Highway Law, in relation to limitation upon laying out highways." (No. 2281, Int. No. 1558.)

"An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims on account of the several counties of this State." (No. 2349, Int. No. 1583.)

"An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State." (No. 2350, Int. No. 1584.)

"An act to amend the Code of Civil Procedure, in relation to the issuing by town clerks of transcripts of judgments of justices of the peace." (No. 1886, Int. No. 1374.)

"An act to repeal chapter 283 of the Laws of 1905, entitled 'An act to amend chapter 506 of the Laws of 1902, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties."'" (No. 2365, Int. No. 1586.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the administrator of the goods, chattels and credits, to be hereafter appointed, of Harold A. Greene, deceased, or the heirs-at-law and next of kin of said Harold A. Greene, deceased, against the State of New York for damages for the death of said Harold A. Greene, deceased." (No. 2304, Int. No. 1566.)

"An act to amend chapter 2335 of the Laws of 1904, entitled 'An act to validate the record of certain deeds and other instruments affecting the title of real estate,' in relation to the officers taking the acknowledgment or proof." (No. 2345, Int. No. 1579.)

"An act making an appropriation to the State Engineer for preparing surveys and estimates of the probable expense for constructing dikes and barriers along the Delaware river in the

town of Cohecton in the county of Sullivan." (No. 2237, Int. No. 1540.)

"An act to legalize the acts of Israel Levine, a notary public." (No. 2339, Int. No. 1576.)

"An act to legalize the acts of William H. Good, a commissioner of deeds." (No. 755, Int. No. 667.)

"An act to legalize the acts of Ada R. Mollison, a commissioner of deeds." (No. 2366, Int. No. 1596.)

"An act to establish a commission of gas and electricity with power to regulate the price of gas and electric light and certain other electric services, and to provide for the control and supervision of gas, electric light and other electric corporations and making an appropriation therefor." (No. 2355, Int. No. 1592.)

"An act making an appropriation for certain expenses of government and supplying deficiencies in former appropriations." (No. 2381, Int. No. 1603.)

"An act to provide ways and means for the annual contribution to the canal debt sinking funds." (No. 2380, Int. No. 1602.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the following entitled Assembly bills:

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Flynn against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 2003, Senate reprint No. 1424, Int. No. 1267.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the town of Skaneateles against the State for damages alleged to have been sustained by it, and to render judgment therefor." (No. 662, Senate reprint No. 1398, Int. No. 595.)

"An act to provide for annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of 3,000 or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government in such municipalities and making an



appropriation therefor." (No. 1696, Senate reprint No. 1533, Int. No. 809.)

"An act to establish a law library in the city of Oswego to be known as the Robinson Memorial Library." (No. 2065, Senate reprint No. 1480, Int. No. 1235.)

"An act to amend chapter 152 of the Laws of 1899, entitled 'An act in relation to the use of bicycles on sidepaths, for licensing bicycles, for the appointment of sidepath commissioners, and to provide for the construction, maintenance, regulation, preservation and shading of sidepaths,' in relation to the appointment of sidepath police." (No. 2091, Senate reprint No. 1479, Int. No. 1172.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Daniel F. Strobel and Dennis Moynehan, doing business under the firm name of Strobel & Moynehan, against the State for damages alleged to have been sustained by them, and to render judgment therefor." (No. 1686, Senate reprint No. 1411, Int. No. 1113.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Henry F. Muringham against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1571, Senate reprint No. 1410, Int. No. 649.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Daniel O'Grady against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1837, Senate reprint No. 1415, Int. No. 1080.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James W. Watts against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 2004, Senate reprint No. 1422, Int. No. 214.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of certain alleged owners of certain lands in Township No. 5, Brown's Tract, Herki-

mer county, against the State for damages alleged to have been sustained by them, and to render judgment therefor." (No. 2007, Senate reprint No. 1423, Int. No. 1269.)

"An act to release to Charles E. Coddington all the right, title and interest of the people of the State of New York, in and to certain real estate situate in the borough of Manhattan, city, county and State of New York." (No. 1821, Senate reprint No. 1517, Int. No. 1354.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Dunn against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1252, Senate reprint No. 1403, Int. No. 52.)

"An act to amend the Civil Service Law, relating to the qualification of applicants for civil service examinations." (No. 1848, Senate reprint No. 1512, Int. No. 386.)

"An act to grant, give and release unto John Unterreiner all the right, title and interest of the people of the State of New York, in, of and to all the real and personal property, which were of John E. Hughes, late of the borough of Brooklyn, city and State of New York, deceased." (No. 1204, Senate reprint No. 1321, Int. No. 993.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William W. Walling against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1097, Senate reprint No. 1397, Int. No. 917.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael C. Murphy against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1567, Senate reprint No. 1409, Int. No. 246.)

"An act to amend the Penal Code, relative to life saving crews on ferry boats and excursion boats." (No. 1769, Senate reprint No. 1477, Int. No. 562.)

"An act to amend the Membership Corporations Law, in relation to the consolidation of cruelty corporations." (No. 1343, Senate reprint No. 1476, Int. No. 1092.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claims of Charles F. Parker & Company against the State for damages alleged to have been sustained by it, and to render judgment therefor." (No. 969, Senate reprint No. 1543, Int. No. 827.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Guy R. Burleigh against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1573, Senate reprint No. 1408, Int. No. 494.)

"An act providing for the taxation for school purposes of the lands owned by the State and situate within the boundaries of union free school district No. 1, town of Dannemora, in the county of Clinton." (No. 1531, Senate reprint No. 1444, Int. No. 1197.)

"An act to amend the Public Lands Law, by including certain lands of the State as a part of the State reservation at Niagara." (No. 944, Senate reprint No. 1458, Int. No. 815.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard against the State for damages alleged to have been sustained by him, and render judgment therefor." (No. 694, Senate reprint No. 1396, Int. No. 168.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael E. O'Connor and John N. Booth, doing business under the firm name of O'Connor & Booth, against the State for damages alleged to have been sustained by them, and to render judgment therefor." (No. 1684, Senate reprint No. 1407, Int. No. 991.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Syracuse against the State for assessments for local improvements levied and assessed against the State of New York, and to render

judgment therefor.” (No. 1533, Senate reprint No. 1418, Int. No. 1199.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State for damages alleged to have been sustained by him, and to render judgment therefor.” (No. 693, Senate reprint No. 1395, Int. No. 166.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Abeel against the State for damages alleged to have been sustained by him, and to render judgment therefor.” (No. 401, Senate reprint No. 1539, Int. No. 401.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Louis Windholz against the State for damages alleged to have been sustained by him, and to render judgment therefor.” (No. 1261, Senate reprint No. 1402, Int. No. 575.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Peter Pfeiffer and Alma V. Pfeiffer and Clarence Pfeiffer, infants, against the State for damages alleged to have been sustained by them, and to render judgment therefor.” (No. 1692, Senate reprint No. 1506, Int. No. 1054.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Hill against the State for salary due him for alleged services, and to render judgment therefor.” (No. 1862, Senate reprint No. 1417, Int. No. 1364.)

“An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of Thomas Clark against the State for damages alleged to have been sustained by him, and to render judgment therefor.” (No. 2001, Senate reprint No. 1421, Int. No. 1052.)

“An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of John P. Smith against the State for damages alleged to have been sustained by

him, and to render judgment therefor." (No. 2002, Senate reprint No. 1420, Int. No. 1053.)

"An act to amend the Stock Corporations Law, in relation to consent to change place of business." (No. 1941, Senate reprint No. 1513, Int. No. 1412.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Brown against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1347, Senate reprint No. 1416, Int. No. 1096.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Chamberlain against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1255, Senate reprint No. 1401, Int. No. 205.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Frances Turzkowska against the State for damages alleged to have been sustained by her, and to render judgment therefor." (No. 1572, Senate reprint No. 1405, Int. No. 729.)

"An act to confer on the Court of Claims jurisdiction to hear, audit and determine the alleged claim of the personal representatives of William J. Smith against the State for damages alleged to have been sustained by them, and to render judgment therefor." (No. 2089, Senate reprint No. 1425, Int. No. 224.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Dennis Dwyer against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1685, Senate reprint No. 1406, Int. No. 1121.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Gustave Kaiser against the State for damages alleged to have been sustained by him, and to render judgment therefor." (No. 1891, Senate reprint No. 1536, Int. No. 1379.)



“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Auburn against the State for assessments for local improvements levied and assessed against the State of New York, and to render judgment therefor.” (No. 1570, Senate reprint No. 1412, Int. No. 503.)

“An act to establish a State Water Commission, to define its powers and duties, and making an appropriation therefor.” (No. 1881, Senate reprint No. 1478, Int. No. 976.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James F. Shiels against the State for damages alleged to have been sustained by him, and to render judgment therefor.” (No. 1931, Senate reprint No. 1537, Int. No. 1402.)

“An act to amend the Greater New York charter, relative to fire marshals.” (No. 1337, Senate reprint No. 1510, Int. No. 847.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of persons, firms and corporations against the State, for services, labor or material, alleged to have been furnished by them in constructing the State armory at Tonawanda, N. Y., and to render judgment therefor.” (No. 54, Senate reprint No. 1473, Int. No. 54.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the following entitled Senate bills, with a message that they have concurred in the amendments of the Assembly made thereto:

“An act to amend chapter 818 of the Laws of 1868, entitled ‘An act to incorporate the village of Port Chester.’” (No. 1027, Assembly reprint No. 2309, Rec. No. 255.)

“An act creating a commission to inquire as to the most practical method of providing modern prison buildings.” (No. 437, Assembly reprint No. 2313, Rec. No. 294.)

“An act to amend section 29 of chapter 466 of the Laws of 1877, entitled ‘An act in relation to assignments of the estates of debtors for the benefit of creditors.’” (No. 279, Assembly reprint No. 2312, Rec. No. 65.)

"An act to abolish the office of curator of the medical department of the University of Buffalo and vesting his powers and duties in the faculty of the medical department of such university." (No. 374, Assembly reprint No. 2323, Rec. No. 101.)

"An act to amend article 1, section 52 of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law." (No. 902, Assembly reprint No. 2183, Rec. No. 219.)

"An act to amend the Liquor Tax Law, in relation to local option, persons who shall not traffic in liquors, cancellation proceedings, convictions, and reports and fees of county clerks." (No. 1288, Assembly reprint No. 2373, Rec. No. 394.)

"An act to amend the Greater New York charter, relative to commitments to the State Reformatory for Women at Bedford." (No. 257, Assembly reprint No. 2368, Rec. No. 62.)

Ordered, That the Clerk return said bills to the Senate.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend the Greater New York charter so as to authorize the issue of corporate stock in order to provide for deficiencies arising from uncollectable taxes." (No. 882, Int. No. 767.)

"An act for the relief of the minor daughter of Joseph Parker, a volunteer fireman, whose death resulted from injuries received by him while in the actual performance of his duties, and while a member of Granite Hook and Ladder Company No. 2, a volunteer fire company of the city of New York." (No. 1783, Int. No. 1333.)

"An act authorizing the police commissioner of the city of New York to rehear the charges upon which Thomas F. Campbell, formerly a patrolman in the police department of said city, was dismissed from said department, and to reinstate him in his former position." (No. 622, Int. No. 569.)

“An act authorizing the trustee of the fire department relief fund of the city of New York to allow to Julia A. Murphy the pension to which she would have been entitled as widow of Lawrence Murphy had his death ensued as the immediate result of injuries received in the discharge of his duties.” (No. 1409, Int. No. 456.)

“An act authorizing the comptroller of the city of New York to hear, audit, determine and allow the alleged claim of Richard E. Taylor for services as superintendent of the bureau of public baths of the borough of Manhattan from January 1, 1902, to May 31, 1902.” (No. 569, Int. No. 520.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

“An act to amend chapter 751 of the Laws of 1895, entitled ‘An act to revise and consolidate the several acts in relation to the city of Hudson; to revise the charter of said city; and to establish a city court therein and define its jurisdiction and powers,’ relative to removal of poles and wires from certain streets.” (No. 1345, Int. No. 1094.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Hudson.

“An act to amend chapter 615 of the Laws of 1894, entitled ‘An act to revise the charter of the city of Elmira,’ relative to assessments.” (No. 2092, Int. No. 1253.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Elmira.

“An act to enable the commissioner of water supply, gas and electricity of the city of New York to rehear and determine the charge against Adolph S. Wydler, formerly a clerk in the department of water supply, gas and electricity of said city, and to reinstate him in said department.” (No. 649, Int. No. 582.)

“An act to amend the Greater New York charter, relative to the department of street cleaning.” (No. 1609, Int. No. 1254.)

“An act to enable the board of police commissioners of the city of New York to rehear and determine the charges against William H. Duggan, formerly a patrolman of the police department of

said city, and to reinstate him in said department." (No. 232, Int. No. 232.)

"An act to amend section 315 of the Greater New York charter, with respect to the duties of the police department and force." (No. 2222, Int. No. 1472.)

"An act to authorize the board of assessors of the city of New York to determine and allow damages sustained by owners of real property fronting upon the bridge over the Bronx river at Two Hundred and Thirty-third street in borough of the Bronx, New York city." (No. 2249, Int. No. 1553.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

"An act to authorize the transfer of unused balances to the general fund in the city of Mount Vernon." (No. 2179, Int. No. 1513.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Mount Vernon.

"An act to amend section 1355 of the Greater New York charter relative to justices of the municipal court of the city of New York." (No. 2301, Int. No. 1462.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to revise the charter of the city of Johnstown." (No. 2279, Int. No. 1137.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Johnstown.

"An act to amend the Greater New York charter, in relation to the rank and to the salaries of surgeons of police." (No. 2342, Int. No. 1446.)

"An act to authorize and provide for the erection and maintenance of a new public hospital in the city of New York." (No. 2224, Int. No. 1409.)

"An act to provide for the widening of Pelham avenue and for the construction of a bridge to carry Pelham avenue as so widened over the tracks of the New York and Harlem railroad in the city of New York." (No. 1932, Int. No. 1403.)

“An act to provide for the treatment of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated or who are found guilty of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description.” (No. 2351, Int. No. 189.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

“An act to release to Jennie Anderson and Alexander Anderson all the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Buffalo, county of Erie and State of New York.” (No. 2215, Int. No. 1535.)

Ordered, That the Clerk deliver said bill to the Governor.

“An act to authorize the comptroller of the city of New York and corporation counsel, on behalf of said city, to compromise, settle, cancel, annul and discharge certain taxes, assessments, and water rates and interest thereon, levied upon the property owned by George J. Greenfield, Henry Greenfield and Elizabeth M. Greenfield, situated in the Twelfth ward of the city of New York, borough of Manhattan.” (No. 902, Int. No. 315.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

“An act to authorize the grade crossing commissioners of the city of Buffalo to investigate damages to the property owned by the estate of Mary Leng occasioned by the construction of Seneca street crossing in such city.” (No. 2216, Int. No. 1536.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

“An act to amend chapter 371 of the Laws of 1903, entitled ‘An act to amend and consolidate the several acts relative to the city of Schenectady,’ in relation to the boundaries of the Ninth ward.” (No. 1899, Int. No. 1289.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Schenectady.



"An act to confirm and legalize certain taxes and assessments in the city of Utica." (No. 2288, Int. No. 1563.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Utica.

"An act to provide an additional stenographer for the city court of the city of New York." (No. 2205, Int. No. 1525.)

"An act to amend section 727 of the Greater New York charter, relative to the power of the fire commissioner." (No. 1996, Int. No. 666.)

"An act to amend chapter 736 of the Laws of 1904, entitled 'An act to amend chapter 998 of the Greater New York charter, relative to additional allowances to commissioners in condemnation proceedings.'" (No. 2245, Int. No. 1548.)

"An act for the relief of Richard Davis, a volunteer fireman, for injuries received while a member of Richmond Hook and Ladder Company No. 4, a volunteer fire company of the city of New York." (No. 119, Int. No. 119.)

"An act to amend the Greater New York charter, relative to the term of the mayor, comptroller and borough presidents." (No. 1699, Int. No. 1046.)

"An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended." (No. 174, Int. No. 145.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

"An act in relation to the city of Troy, and the several departments thereof, authorizing the said city to ascertain, determine, audit and allow the claims of John Riley, William Gaffigan, Stephen Duffy, Morris Mann, John Burke, William H. Evers, Edmund Sheedy and John Crosson, school janitors employed by the board of school commissioners of the department of public instruction of said city during the year 1900, and to authorize said city to issue its bonds to raise money for the purpose of paying the said claims." (No. 452, Int. No. 423.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Troy.

“An act to provide for the utilization by the city of New York of its water supply for the purpose of generating electric current for the use of said municipality.” (No. 2361, Int. No. 1587.)

“An act in relation to the price of illuminating gas furnished or sold to the city of New York, and providing a penalty for violation.” (No. 2358, Int. No. 1589.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

The Senate returned the following entitled bills:

“An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation.” (No. 2371, Senate reprint No. 1555.)

“An act to amend the Greater New York charter, relative to the inspection of illuminating gas and tests thereof.” (No. 2356, Senate reprint No. 1553, Int. No. 1591.)

“An act to enable the police commissioner of the city of New York to rehear and determine the charges against Charles E. Savage, formerly a patrolman of the police department of said city, and to reinstate him in said department.” (No. 231, Senate reprint No. 1475, Int. No. 231.)

“An act in relation to the price of electric current furnished or sold in the city of New York, for light, heat, power or other purposes to consumers other than said city and providing a penalty for violation.” (No. 2360, Senate reprint No. 1554, Int. No. 1593.)

“An act to require the construction of an elevated railroad station at the corner of One Hundred and Thirtieth street and Eighth avenue, in the city of New York.” (No. 1335, Senate reprint No. 1309, Int. No. 36.)

“An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay, certain claims alleged to be due to certain dockmasters for services performed.” (No. 708, Senate reprint No. 1400, Int. No. 628.)

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 1304 (Senate reprint No. 1294), entitled "An act to authorize the board of estimate and apportionment of the city of New York to hear, determine, audit and allow the alleged claim of Edwin F. Merwin for services alleged to have been performed between the 31st day of October, 1903, and the 31st day of December, 1903, inclusive, as superintendent of the bureau of dependent adults of the department of public charities of the city of New York" (Int. No. 1058), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 444 (Senate reprint No. 1272), entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended, relative to acquiring lands for public purposes" (Int. No. 153), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 2104, entitled "An act to amend chapter 621 of the Laws of 1896, entitled 'An act in relation to the jurisdiction of the department of public parks in the city of New York over certain streets in said city,' as amended by chapter 319 of the Laws of 1897" (Int. No. 1115), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 2075, entitled "An act to amend section 10 of the Greater New York charter, in relation to the powers of the board of estimate and apportionment" (Int. No. 1461), with a message that said

mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Speaker announced the following as officers to remain for thirty days after the adjournment pursuant to section 1 of chapter 477 of the Laws of 1895:

Clerk—Archie E. Baxter.

Assistant Clerk—Ray B. Smith.

Journal clerk—William K. Mansfield.

Index clerk—Charles H. Wicks.

Financial clerk—Frank N. Petrie.

Mr. Speaker announced the following as officers of the Assembly to attend the next session pursuant to section 12 of the Legislative Law:

Assistant doorkeepers—Myron A. Phelps, William Balis and Andrew Kehn.

Messengers—James H. Millard and Dwight L. Goewey.

Pages—Fitz Schwager, Fred McGar, Charles Jatto, Wm. J. Flynn, Louis McLean and George Hutchinson.

Senators Carpenter and Kehoe, a committee from the Senate, appeared in the Assembly Chamber and announced that the Senate has completed its labors and is ready to adjourn.

Mr. Burnett, from the committee appointed to wait upon the Senate and inform that honorable body that the Assembly has completed its labors and is now ready to adjourn, reported that they had performed that duty.

Mr. Rogers, from the committee appointed to wait upon the Governor and inform him that the Assembly has completed its labors and is now ready to adjourn, reported that they had performed that duty.

Mr. Speaker said:

Gentlemen of the Assembly.—Not before, since the year 1895, have we had a final adjournment in May. For seven successive years previous to and including 1890, the Legislature did not finally adjourn until some time in the month of May, the dates ranging from May 9 in 1890 to May 26 in 1887. Since 1890 there

have been eleven final adjournments in April, and two in March, that of 1898 being March 31, and the session of 1902 closing March 27, which was the earliest adjournment of the Legislature of this State that had occurred in 108 years. The long series of March and April adjournments in the recent past have made this session seem long, but it is not long compared with the length of sessions that formerly prevailed. Since I have been Speaker I have regularly advocated the most expeditious work and the members have faithfully responded, but this year the legislation imperatively required could not be completed until to-day.

Owing to certain court decisions and to increased expenses of the public institutions of our great State, in consequence of its constant growth in wealth and population, we were confronted this year with the prospect of a deficit of income. The present administration was elected in a large measure because the policy of the political party it represents had relieved the owners of homes and farms and factories, both in city and country, from the burden of an annual State tax. It was, therefore, incumbent upon the majority in this body, and in the Senate, to devise forms of taxation which would continue the relief which has been so acceptable to all real estate owners in the cities and in the country. You have performed that duty. The tax upon transfers of stock and the tax placed upon mortgages, and the tax laws amended to meet certain court decisions, will supply the needed funds to maintain a treasury balance on the right side of the ledger, without impairing the large surplus which our policy of recent years has accumulated.

The tax upon transfers of stock will touch very lightly upon the great volume of money, estimated at six hundred million dollars, that is employed in the business of stock exchanges. That business is maintained by patrons residing in every part of the State, and hence the tax cannot properly be defined as laid upon any particular locality. It has been paid before, when imposed by the Federal government, without distress or loss of business, and it will be as easily paid to the State government.



If it produces more revenue than is required, the rate can be reduced next year.

The object of the tax to be levied upon all mortgages made after July 1 next, is not solely for revenue. It is to correct the great injustice of our existing laws, whereby widows and orphans and others least able to pay, are taxed very heavily, while the great bulk of money invested in mortgages by wealthy capitalists, through various devices, escapes altogether from making any contribution toward the support of government. It is believed that the light tax of one-half of one per cent. (half to go to the State and half to the locality where the mortgaged real estate is situated) will eventually produce more revenue than the present heavy tax upon the comparatively few mortgages that get upon the tax rolls, and it is also believed that this fixed, low rate, will make investments in mortgages more attractive than they have been heretofore, and a lower rate of interest will follow.

The so-called mortgage tax bill should have been entitled "An act to reduce the tax upon mortgages," and it should have been welcomed by those who believe in the entire exemption of mortgages from all forms of taxation as a long step in that direction. The provision giving owners of existing mortgages the option of listing their securities with those made after July 1 next, and of claiming exemption from every form of tax except the uniform rate imposed of one-half of one per cent. will be rapidly utilized until the present heavy local tax upon the mortgages that are upon the tax rolls, will be a burden of the past, never to be reimposed. This system of mortgage taxation is not an experiment. We are simply adopting the system that has been statute law for many years in the great and prosperous State of Pennsylvania. It has been satisfactory there, and hence we are justified in predicting that it will be satisfactory here.

The appointment of a commission of fifteen qualified legislators and citizens to make a thorough examination of the whole subject of taxation, including a study of the systems of taxation that have been established in other States, is a measure that may be productive of valuable results.

Among other very important measures passed by this Legislature I take pleasure in noting the following:

The law fixing a standard for all securities in which the deposits of savings banks may hereafter be invested. There will be no more special legislation on that subject, and every form of security presented for investment will be rated upon its merit and not upon any special act of the Legislature.

The law limiting the amount of loans by a State bank to its directors is an advance in the direction of safety, also the bill introduced last week requiring all communications from the Banking Department to be laid before the directors of a bank without delay.

The subject of water supply for cities and villages has become of vital importance, and you have enacted a much-needed measure in providing a commission with power to do justice to all, and especially in providing for the need of the great city of New York.

The law for taxing the traffic in liquors, has had several amendments, all in the interest of good order and better morals.

The law compelling inspection of locomotive boilers every three months, and giving the inspectors power to order defective boilers out of use till placed in perfect condition, is important for the safety of the men who operate locomotives as well as for the security of the traveling public. In the same line is the law for the protection of passengers on excursion steamers, calculated to prevent a repetition of the terrible disaster that befell the great company of people, old and young, upon the ill-fated steamer "General Slocum."

The veterans of the Spanish War have received merited recognition.

Increased appropriation for the Lewis and Clark Exposition will give the State creditable representation at that important function in the distant State of Oregon this year, and the more liberal provision voted for the Ter-Centennial celebration of the first English settlement at Jamestown, Va., will make that event by Hampton Roads, year after next, an honor to our State and an inspiration of pride in our thoroughly united nation.

The amendments to the Labor Law, providing greater protection for children by making more stringent child labor laws, cannot be too highly commended, and I accord the same hearty approval to the Code amendment which makes the abandonment of a family by a faithless husband and father a crime with severe penalty.

I also mention with pleasure the following new laws:

Taking from game protectors the control of forests.

Restoring local boards of management for State hospitals.

Doing away with special escheat bills.

Regulating claims against the State.

Providing for a State intelligence bureau for farm hands.

Providing for enumeration of the people of the State, as required by the Constitution.

In legislating for the great city of New York, you have endeavored to accede to the best judgment of its representatives, and accord home rule so far as consistent with the welfare of the State. Preserving the purity of the ballot in that great city is as important for safeguarding the rights of the residents of the most remote township as it is to protect the rights of the people in every ward of the city, and hence we justify all the officials and expense that may be required to insure the honesty of every city election.

More insistent this year was the appeal for relief from what was regarded as oppression in the prices charged for gas and electric lights. The bills passed will grant relief to a great extent and the State commission provided may give all the relief required, not only in Greater New York but in all parts of the State.

Whether all the legislation has been accomplished that the people of the State have desired, or only a part of what they may have expected, the valuable laws you have placed in the statute book have been many and you have no need to apologize for your work. Not less creditable is the defeat of some measures which seemed to be against the interests of the people.

You return to your constituents after many laborious and some tedious days in this chamber, but with pleasant recollections of many warm friendships formed, such as we all cherish through life. My own pleasant relations with all of you have been marred by no wilful act of injustice or lack of courtesy, and if any act of mine may have so appeared to you I assure you it was not intentional. My highest desire has been to fulfil the pledge I made when you generously accorded me the election to my seventh term as Speaker, namely, to make every ruling with absolute fairness, and to perform every duty promptly. More than the honor of the office I prize your approval. Wishing you all a safe return to your homes and thanking you for your uniform kind consideration throughout the session, I await your further pleasure.

The Clerk read the journal of to-day's proceedings.

On motion of Mr. Rogers, the same was approved.

On motion of Mr. Rogers, the House adjourned *sine die*.

A. E. BAXTER,

*Clerk.*





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# APPENDIX.

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## APPENDIX.

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(No. 1.)

The Governor, at the hands of his secretary, transmitted his annual message to the Legislature, as follows:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, *January 4, 1905.*

*To the Legislature:*

Pursuant to the mandate of the Constitution I have the honor herewith to communicate to you by message the condition of the State, together with such recommendations as seem to me expedient at this time.

### STATE DEBT.

On September 30, 1904, the close of the fiscal year, the total debt of the State amounted to \$9,410,660, classified as follows:

|                                     |                              |
|-------------------------------------|------------------------------|
| Adirondack Park.....                | \$510,000 00                 |
| National Guard Public Defenses..... | 400,000 00                   |
| Canals.....                         | 8,500,660 00                 |
| Total.....                          | <u><u>\$9,410,660 00</u></u> |

The sinking fund created by the annual tax of 13-100 of a mill per dollar of assessed valuation of real and personal property, provided by chapter 79 of the Laws of 1895, amounted on the 30th of September, 1904, to \$3,696,493.55, which, in effect, reduces the amount of the canal debt to the sum of \$4,804,166.45 yet to be provided for. The debt maturing during the next fiscal year consists of \$55,000 Adirondack Park bonds issued pursuant to chapter 561 of the Laws of 1895, maturing January 30, 1905, and \$200,000 National Guard Public Defense bonds issued pursuant to chapter 672 of the Laws of 1898, \$100,000 of which mature on the 1st days of May and November respectively, and for the payment of which provision must be made by the Legislature.

## RECEIPTS AND EXPENDITURES.

The total receipts of the State treasury from all sources for the year ending September 30, 1904, were \$25,548,962.98; the total payments were \$25,900,796.73, showing an excess of payments over receipts for the year amounting to \$351,833.75. The actual available surplus on October 1, 1904, was \$8,762,236.62. The total appropriations in force October 1, 1904, amount to \$26,735,457.70, which is \$2,319,228.07 more than the income of the last fiscal year which was applicable to the payment of appropriations, so that with the same revenue as last year there would be this excess of expenditures over receipts which must be met from the surplus. But the Comptroller estimates that the revenues for the present fiscal year applicable to the expenses of government will show a decided falling off as compared with the receipts for the fiscal year last past, unless provision be made by law for increased revenue from present sources or for new sources of revenue.

The satisfactory condition of affairs whereby the tax laws produced sufficient revenue for the requirements of the State is threatened by the effect of very recent decisions rendered by the Court of Appeals in test actions brought and successfully maintained by corporations to obtain a construction favorable to them of the corporation tax laws, which decisions not only reduce current receipts by large sums to be credited as refunds of taxes, but establish new rules for future assessments at variance with the practice of the State in the past. Particular reference is made to the definition of "capital employed within this State" as laid down in the case of the Fort George Realty Company (179 N. Y. 49), and the construction placed upon the law imposing a tax upon premiums received by life insurance companies contained in the case of the Provident Savings Life Assurance Society (179 N. Y. 227).

It was impossible to foresee these decisions which are a great disappointment and surprise to the State authorities. While it is impossible to make an exact estimate of the shrinkage in revenue and of the amount of the refunds required that will result from this cause, the Comptroller estimates the loss at approximately \$1,750,000. He further estimates that there will be a shrinkage in the receipts from the transfer tax of \$1,000,000, based on the shrinkage of the first two months of the present fiscal year as compared with the first two months of the last fiscal year.

The extraordinary expenses of the present year will necessarily be large. Appropriations to meet the payments of judgments and other claims against the State must be made. We are confronted with a

condition which is calculated to cause us to consider with utmost care the problem of adjusting receipts to expenditures. It seems unwise at this time to increase the burdens of taxation. The only alternative is the lowering of expenditures. It is obvious that while if appropriations are sufficiently conservative, the surplus in the State Treasury is sufficient to carry us through another year without increased taxation, a crisis is at hand and provision should be made to avert it.

### APPROPRIATIONS AND TAXATION.

Under our system of government the National and State Legislatures do not make up single budgets of appropriations, but many special appropriation acts are passed without much regard for the sum total thereof or for the relation it bears to the estimated revenue of the State. The finance committees of the two houses act to some extent as the responsible agencies of the Legislature to keep expenditures within the limits of the revenues of the State. I recommend that so far as possible the appropriations for the session be treated as a single act, that the amount thereof be kept close to the estimated indirect revenues for the ensuing year, and that they should not exceed \$22,000,000. This will call for serious reductions in certain directions without corresponding increases except where the same are imperatively demanded. I am aware that while economy in the abstract is universally commended, the application of the principle to particular instances is surrounded with difficulties, and I urge upon all interests a patriotic and unselfish consideration of the problem.

### TAX LEGISLATION.

The tax on the surplus and undivided profits of savings banks appears in its practical operation to be a tax upon the depositors, and is, therefore, contrary to the long-established policy of the State to exempt from taxation the savings of those who make use of these banks. The amount of the tax is charged against the current earnings of the bank and is not taken from the surplus, and it is claimed that the bank is, therefore, unable to pay the same rates of interest to depositors as it would if the tax were not imposed. A reduction of the interest on these accounts is a hardship to those affected thereby, and I recommend the repeal of this tax. The receipts from this source for the past fiscal year were \$720,000 and the revenue thus lost must be made up; but at the same time justice seems to demand that this tax be abolished and that some more equitable method of raising the account be resorted to.



I also recommend that the law be amended so as to meet the criticisms made by the Court in the tax cases above referred to, in order to secure the State the revenue which it will otherwise lose if these decisions are allowed to control.

### CENSUS.

The Constitution of the State (Article III, Section 4) provides that an enumeration of the inhabitants of the State shall be taken, under the direction of the Secretary of State, in the months of May and June, 1905. Since 1875 no complete census has been taken by the State, although in the years 1855, 1865 and 1875 the census was taken in a complete and thorough manner. The enumeration of 1892 was simply a count of the inhabitants of the State for the purpose of redistricting the State for the election of senators and members of assembly.

The value of a complete census is undoubtedly great, but such a census would cost at least \$600,000, while a mere enumeration could be had for about \$250,000. Considering the extensive work that is done by the Federal Government at the present time in taking the census under the permanent Census Bureau, whereby comprehensive statistics as to matters of public interest are collected and compiled, I am of the opinion that the State should conduct the enumeration at this time at the lowest possible cost consistent with accuracy and thoroughness. I recommend that proper legislation be immediately adopted in order that the Secretary of State may be ready to begin active operations in the field at the earliest date possible.

### INSANE AND CHARITIES.

The management of the State Hospitals for the Insane, fourteen in number, with a total number of patients on October 1, 1904, of 25,019, was completely centralized by legislation of 1902, abolishing the boards of managers of the various hospitals and leaving with the Commission in Lunacy complete jurisdiction, both as to financial control and internal administration. The advantages of centralized control of the financial operations of the hospitals are evident. It is of the utmost importance, however, that this great system of hospitals involving the expenditure of so large a sum of money annually and the care of so many thousands of peculiarly unfortunate and defenseless persons, should rest upon a broad basis of public interest and public confidence, and should obtain the co-operation of philanthropic citizens throughout the State. In my opinion this can best be secured by leaving the control of all financial matters, as at present,

in the hands of the Commission, and by providing for each hospital a board of managers, in general charge, through the superintendent, of the internal affairs of the hospital.

The present overcrowding of the State hospitals, the large increase in the number of the insane each year, and the expiration—next September—of the lease of the buildings now occupied by 1,200 patients at the Long Island State Hospital at Flatbush, make it imperative to take action during the coming session for a material enlargement of State hospital accommodations. This can probably best be met, in part, by additional accommodations in existing hospitals, and in part by the establishment of a new State hospital. In increasing the accommodations in existing institutions the importance of providing for each State hospital a building especially adapted to the treatment of acute insanity should always be borne in mind.

It is not the duty of the State to maintain in the State hospitals for the insane, at the expense of the State, any insane person who has property or who has relatives legally chargeable with his support who are able, in whole or in part, to pay therefor. While the attorneys for the various State hospitals have in many cases been able to collect the charges for the support of inmates from the persons and property liable therefor, no effective check is placed upon the commitment as dependent insane of those who are not properly State charges. The rapid growth in the population of the insane hospitals since the adoption of the State Care Act is not entirely due to the increase in insanity in the State, but may to some extent be attributed to the practice of commitment of senile or feeble-minded relatives to the State institutions at the instance of those who are properly chargeable with their support. I recommend that before any insane person is permanently received as a State charge, the question be judicially investigated and determined whether such person is a pauper without relatives chargeable with his support and able to contribute thereto. The crowded condition of the State hospitals would, in my judgment, be relieved if they were maintained strictly as institutions for the pauper or dependent insane. Mild cases of insanity in a purely technical sense, due to old age or other cause, where there is no need more for State treatment than in other cases of illness, should so far as possible be excluded from the State hospitals and the patients cared for in the home or elsewhere as persons afflicted with other diseases are cared for.

The most urgent need in connection with the State charitable institutions appears to be that of additional accommodations for the

feeble-minded at the institutions at Newark and Rome. A substantial increase in the capacity of these institutions would make possible a transfer of many adult inmates from the School for Feeble-minded Children at Syracuse, and the reception there of many feeble-minded children who cannot now be accepted. The additional accommodations at Newark and Rome should be sufficient to provide also for the admission of many feeble-minded adults now in county poorhouses.

Great progress has been made during the past few years in improving the reformatory system of the State, and in providing proper buildings and equipment for the best reformatory work. With this end in view, the commitment of girls to the House of Refuge on Randall's Island and the State Industrial School at Rochester has been discontinued, and the former House of Refuge for Women at Hudson has been converted into a State Training School for Girls.

The State Industrial School at Rochester is being transferred to a country site, and a commission has been appointed to select a new site for the boys' department of the House of Refuge on Randall's Island.

It would seem that some additional safeguards should be provided looking toward more public competitive bidding in the purchases made by the hospitals and State charitable and reformatory institutions, either by amendment of the law or by some set of rules and regulations to be adopted pursuant to statutory authority granted therefor. Purchases, whenever possible, should be made in bulk and in large quantities and from the lowest satisfactory bidder, after public advertisement for bids.

I recommend that all appropriations to enlarge or improve the State charitable and reformatory institutions be included in one bill with such provisions as will in every instance insure the most careful and economical expenditure of the moneys appropriated.

I also recommend that suitable legislation be enacted to enable the State Board of Charities to transfer in proper cases inmates from one charitable or reformatory institution to another, where it appears that such persons more properly belong in an institution of the State other than the one to which they were originally committed. Different classes of defectives should not be allowed to remain in the same institution if by a proper system of transfers they can be so distributed as to receive the best and most scientific care.

#### ADULT BLIND.

Attention has been called by my predecessors to the fact that no provision is made by the State for the instruction and employ-

ment of the adult blind. I recommend that the Legislature continue to consider the advisability of devising suitable means for the industrial training of this class of unfortunates.

The expenditures from the State treasury for the last fiscal year for charitable purposes were upwards of \$7,600,000 and of this amount only \$82,225 was expended for the blind, and then only for the education of blind children and youths. What nobler charity can the State maintain than that which aims to enable those who have become blind after reaching manhood to be self-supporting?

### ELECTION REFORMS.

It is the aim of the State so to guard the ballot-box that an honest expression by the voters can be obtained. In the larger cities colonization, intimidation and false registration are the principal crimes against the franchise. Laws for the punishment of these offenses have already been enacted. Proper means for the detection of such crimes, however, have not been provided. In the smaller localities the general acquaintance which exists among the residents insures sufficient protection against illegal voting, but in the larger centers of population more perfect methods of identification should be provided. The law now provides that upon offering his name for registry, the elector shall state the place from which he voted last. I would suggest that in addition to this he should be required to state the time when he voted last. In the large cities the principal colonization frauds are perpetrated from lodging and furnished-room houses. I would recommend that provision be made for reports from these houses similar to those made by hotels under the Liquor Tax Law to the State Excise Department. This might be affected under a licensing system at a nominal fee based upon the number of beds, and might be placed under the direction of the State Department of Health which now has some authority over such places.

Further means of identification of naturalized citizens should be provided for in the registry books so as to require either an absolute statement of the time of naturalization and of the court which performed the act, or the production of the naturalization papers themselves, so that the election authorities could verify the statements thus made. Too much latitude has been permitted in this direction in the past. During the last election it was discovered that great numbers of alleged naturalized citizens had no right to vote, either having been imposed upon, or having been parties to the attempted frauds. The naturalization laws of our State are much more effective in



guarding against such abuses than are the United States laws. One of the principal methods of securing fraudulent naturalization papers has been for the holder of legal papers to apply for duplicate papers, and then to sell such duplicate papers to persons not entitled to possess them. The law should be amended in this direction so that duplicate naturalization papers could be procured only upon an order of the court, entered after a due presentation of the facts as to the lost certificates. This whole subject of further guarding the elective franchise is commended to your consideration and I hope that such laws may be enacted as will more effectually guard the purity and integrity of the ballot.

I recommend to the consideration of the Legislature both the extension and restriction of the right to vote at special tax elections in cities of the third class, to those residents whose names shall be on the assessment roll, without limitation as to sex. If the right to vote at tax elections is to be limited to property holders, it would seem but an act of justice to extend that right to women property holders as well as to men.

### CANALS.

The bids on six test contracts for parts of the work on the 1000-ton barge canal seem to warrant the belief that the entire construction can be completed within the engineers' estimates of the probable total cost of the work. It is gratifying to know that this great expenditure, ordered by an overwhelming popular vote, will probably prove adequate so far as concerns that portion of the entire cost set apart in the estimates for construction, and it is to be hoped that the estimates of damages for taking of property will prove to be equally accurate.

The enlargement of the canal system of the State will be carried out to a considerable extent by the canalization of the rivers and other navigable waters of the State. It seems important at this time to call attention to the facts that the United States Government has expended yearly in the United States for river and harbor improvements vast sums of money of which the State of New York has received but a trifling percentage as compared with the percentage which the commerce of New York bears to the total commerce of the United States. In the past twenty years the United States has expended nearly \$300,000,000 in river and harbor improvements, of which less than seven per cent. has been expended in the State of New York. It would seem proper that the senators and representatives of the State of New York in the National Congress



be memorialized by the Legislature to press the claims of this State for larger appropriations for the improvement of natural waterways in connection with the canal system of the State.

The Constitution of the State (Article VII, section 8) prohibits the sale of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal or the Black River canal, and imposes upon the State the perpetual management of the same. Whenever it appears that any portion of the canal system has so far survived its usefulness as to make its maintenance by the State a burden with no corresponding benefits, the Legislature should submit to the people the proper constitutional amendment to permit the abandonment of such portion.

The Black River canal from Boonville north is now practically an abandoned waterway, serving no useful purpose except to those employed to manage it under the constitutional mandate above referred to. I therefore recommend that so much of said canal be leased, sold or otherwise disposed of, and that the question be submitted to the people for their determination.

### GOOD ROADS.

Without increase in the estimated revenues of the State for the ensuing year, appropriations for good roads must be modest in amount, pending the action of the Legislature and the people upon the proposed constitutional amendment permitting the issue of bonds for the improvement of the highways. The attention of the Legislature to this amendment is commended.

The highways that are to be improved under the proposed plan should constitute a reasonably complete system of land intercommunication, otherwise we shall simply have patchwork. Provision should be made for the proper maintenance of the improved highways after their construction. They should be kept in repair at the expense of the locality, under the supervision of the State, and I recommend the adoption of legislation which will provide for that result. I also recommend that the contracts for building the roads require that the contractor shall maintain the same for at least five years after acceptance by the State Engineer. I strongly urge upon the Legislature the importance of placing the execution of this plan of improved highways under special expert supervision under the direction of the State Engineer and Surveyor and of developing the same in accordance with an approved system, to the end that the money expended may not be wasted but may result in permanent and useful improvements.

## BANKS.

The whole number of State banks of deposit and discount engaged in business September 30, 1904, was 186, against 190 at the corresponding date in 1903. Their resources amounted to \$443,487,307, which was an increase of \$75,873,962 from the corresponding date in 1903. The surplus and undivided profits of these institutions at the same date were \$34,087,797, a gain during the year of \$1,366,684.

The savings banks of the State at the date of the last report carried 2,406,660 open accounts. Their total resources were \$1,275,189,167, which is a gain of \$53,764,165 over the previous year.

The number of trust companies reporting on July 1, 1904, was eighty. From July 1, 1903, to the ensuing January there had been a decrease of more than one hundred million dollars in the combined assets of these institutions, which had been altogether recovered on July 1, 1904, with over sixty million dollars besides, making the total resources of these companies on the last-named date \$1,208,450,930. Their combined surplus and undivided profits at the same date were \$144,345,580.

The aggregate resources of all the institutions subject to the Banking Department at the dates of the last reports by them were \$2,988,602,422, or \$181,233,853 more than at the corresponding dates in 1903.

Restrictive legislation guarding the rights of the depositor and protecting him from loss caused by unsafe banking should be enacted and enforced. The list of securities in which savings banks may invest the money of their depositors should be extended only with the greatest caution and upon the most satisfactory evidence that the added line of investments is one that is safe and conservative, not only for savings banks, but also for trust funds. Special legislation enumerating the authorized investments should be superseded by a general law, establishing proper standards of safety. Savings banks should be, if possible, limited to their original purpose of benevolent institutions organized to hold and invest the savings of small depositors, and the use of such institutions should be denied to people of wealth who are capable of managing their own affairs and who make large deposits therein for investment purposes only.

Investment associations and concerns should be brought more strictly under State control, and such concerns whenever operating under unsafe and vicious systems should be suppressed.

Bank directors should be compelled to make periodical examinations of the books of their institutions and should be held responsible for the thoroughness and sufficiency of such examinations. Building and loan associations should without exception be prohibited from loaning their funds upon second mortgage. The Superintendent of Banks should be directed by law to examine, at least once in every six months, the books and securities of all banks and trust companies.

The attention of the business world is again attracted to the evil results of unrestricted loans by banking institutions to favored individuals so that the solvency of the banks and the safety of depositors are made to depend to a large extent upon the financial integrity of a few borrowers. Safe banking requires that liabilities to the bank be distributed in number and restricted in amount. The provisions of the National Bank Act limiting the total liabilities for money borrowed by any person to ten per cent. of the amount of the paid-in capital stock of the bank are to be commended. I recommend that, with reasonable exceptions as to the discount of strictly business or secured paper, the similar provision in the State law be amended by fixing the amount to be loaned to the individual borrower as not more than twenty per cent. of the capital stock actually paid in.

### INSURANCE.

The volume of business conducted by the corporations, companies and societies under the supervision of the Insurance Department has materially increased. The total amount of risks in force at the close of the last calendar year, including life, fire and marine insurance was \$37,501,282,689. It is obvious that the State owes a duty to its citizens who invest their money in insurance to this vast extent to exercise proper supervision and control over the companies doing business within its limits. No insurance company, association or fraternal order that fails to meet its obligations in full within a reasonable time after they accrue, should be allowed to do new business.

### EXCISE.

The total gross receipts under the Liquor Tax Law for the period beginning May 1, 1903, and ending April 30, 1904—the statutory liquor tax year—amount to \$17,797,642.84. This is an increase of \$5,210,942.52 over the receipts for the previous year. The State's share of the liquor tax for the year ending April 30, 1904, amounts to \$9,200,560.59, being an increase of \$4,694,057.25 over the previous

year. The localities show an increase of \$516,855.27 in the receipts for the year ending April 30, 1904, over the receipts for the previous year.

During the year ending April 30, 1904, 28,829 certificates were issued, as against 30,144 for the previous year, being a decrease of 1,315 certificates, or 4.3 per cent.

The estimated total gross receipts for the year beginning May 1, 1904, and ending April 30, 1905, are \$17,900,000.

The right to determine by popular vote whether trafficking in liquors shall be permitted in a locality is now limited to the towns of the State. It is, in my judgment, worthy of the consideration of the Legislature whether this right of local option should not be extended to cities and the divisions thereof.

### EDUCATION.

Unification of the educational system is established. The new organization is in good working order. The unfortunate controversies which existed under the dual system have been happily terminated.

The growth of our school system during the past ten years has been marked, as appears from the following statistics:

Ten years ago there were 11,778 school districts in this State employing 25,414 teachers and registering 1,083,228 pupils. The average daily attendance of these pupils was 668,097 and the expense of maintaining the schools was \$18,921,246.

According to the last complete report there are 11,726 school districts—a decrease of 52; 34,453 teachers employed—an increase of 9,039; 1,256,874 pupils registered—an increase of 173,646; a daily average attendance of 928,335—an increase of 240,238; a total expenditure for school purposes of \$41,418,096—an increase of \$22,496,850.

Ten years ago the State paid toward maintaining these schools, exclusive of aid given to high schools, \$3,712,352. Under the last apportionment State aid amounted to \$3,970,555—an increase of \$258,203. From these two groups of figures it appears that the aid given by the State to the schools has not kept pace with the growth of the schools. Ten years ago it amounted to \$3.43 per pupil; the last report shows that it amounted to \$3.16 per pupil, or a decrease of \$0.27 per pupil.

Included in the above figures for ten years ago were 285 high schools maintained at an expense of \$1,698,860. These schools employed 1,158 teachers and registered 29,668 pupils. The last

report shows 636 high schools—an increase of 351; 3,506 teachers—an increase of 2,348; 81,108 pupils—an increase of 51,440; amount expended, \$5,007,055—an increase of \$3,308,195. The State aid given to high schools ten years ago amounted to \$78,897; the amount so apportioned in the last report is \$290,025—an increase of \$211,128 or about 267 per cent.

Ten years ago the State rendered aid to the public high schools to the extent of \$2.66 per pupil; last year this amount was \$3.58—an increase of \$0.92 per pupil.

Ten years ago there were 93 colleges in the State employing faculties numbering 2,212 members and instructing 21,833 students with an expenditure of \$4,792,987. The last report shows 119 colleges—an increase of 26; 3,871 members of the faculty—an increase of 1,659; 39,718 students—an increase of 17,885, and expenditures amounting to \$10,061,269—an increase of \$5,268,282.

Ten years ago there were 125 private academies employing 1,031 teachers, instructing 12,131 pupils, with an expenditure of \$1,141,422. The last report shows 144 private academies—an increase of 19; employing 1,288 teachers—an increase of 257; instructing 13,988 pupils—an increase of 1,857; expending therefor \$2,099,945—an increase of \$958,523. The State aid given these private academies ten years ago amounted to \$17,956. The amount so apportioned in the last report was \$22,332—an increase of \$4,374.

### CHILD LABOR.

New York is in advance of most of the states of the Union in the matter of legislation on the subject of child labor. The law, however, is not rigidly enforced and the lack of proper legislation in neighboring states makes it difficult to establish proper restrictions upon the work in this State. Uniformity of legislation on the subject of labor is a matter which should be strongly urged by the State of New York, in order that the condition of women and children may be ameliorated throughout the country and in order that the industries of the State may be relieved from the unfair competition of those states which place no restriction upon the subject. The place for children of school age is in the school, and they should not be withdrawn therefrom, or allowed to work in any way which interferes with their school attendance, before they reach the age at which primary education ordinarily ends.



## AGRICULTURE.

The liberal appropriations made for the State Department of Agriculture, the Agricultural Experiment Station at Geneva, the College of Agriculture and the Veterinary College at Cornell University, the State Fair and the county and town fairs, indicate the fostering care which the State exercises over the development of its agricultural interests.

The functions of the State in this regard should be twofold: first, educational, whereby conditions are aimed at which will insure a uniform high standard for agricultural products in this State, whereby the ravages of disease may be prevented and checked, whereby improved methods of cultivation and production may be introduced and whereby the farm, the dairy and the orchard may be brought to their highest state of productivity; and, secondly, protective, whereby the prevention and detection of the sale of adulterated food products are sought. The value of this work depends upon the thoroughness and skill with which it is done. The work of the State Department of Agriculture is far-reaching in its character. Its effectiveness depends largely upon the care and precision with which the statutes are drawn under which its duties are executed. I especially recommend to your consideration the report of the Commissioner of Agriculture in this regard.

## PRISONS.

The laws relative to penal institutions and prison administration and to the method of dealing with criminals have undergone radical changes in this State in recent years. Penologists still maintain that our prison laws are largely anomalous and antiquated, and they urge the adoption of a system of State control for all State offenders, the extension of the parole system, the enlargement of the reformatory idea, and other changes looking toward a more consistent and scientific treatment of the subject. I recommend to the Legislature the consideration of this problem and the wisdom of adopting more modern methods when the finances of the State will permit. I also recommend that some provision be made for the transfer from penal institutions of imbeciles and idiots committed thereto, to other State institutions where they may receive proper treatment.

## STATE ARCHITECT.

The State Architect reports that he has had for some time past an average of 150 contracts, large and small, in force at one time and scattered all over the State. For the past year or two appro-

priations have been given his office covering the services of but four regular inspectors. It is obvious that these four men can by no means cover the ground. The interests of the State should not be permitted to suffer by reason of insufficient inspection and in my judgment such interests can be so far promoted by thorough and careful inspection as to save to the State more than the amount of the salaries paid for proper supervision of the work done under building contracts.

The law should give the State Architect ample time to prepare plans and specifications for public buildings. He should not be expected to have completed plans for any important work prepared in less than six months after the appropriation therefor is made.

### PUBLIC BUILDINGS.

The Superintendent of Public Buildings again calls attention to the inadequate office space contained in the State buildings and to the fact that the State is hiring offices for certain departments for which there is no room in the State buildings. The suggestion is made of the removal of the Department of Education, including the State Library, from the Capitol to a separate building to be constructed for its accommodation. The Superintendent also again calls attention to the unsatisfactory condition of the plumbing, heating, lighting and drainage of the Capitol, and I recommend that careful attention be given to his report on this subject.

### CIVIL SERVICE.

The Constitution of the State provides (Article V, Section 9) that "Appointments and promotions in the civil service of the state, "and of all the civil divisions thereof, including cities and villages, "shall be made according to merit and fitness, to be ascertained, "so far as practicable, by examinations, which, so far as practicable, "shall be competitive."

The Civil Service Law provides specifically for the classification of the civil service of the State, and the civil service of the various cities of the State, but provides only in general terms that the State Civil Service Commission may from time to time extend the classification to the other civil divisions of the State whenever practicable. This discretionary power has been exercised in but one instance, when, in June, 1900, the classification was extended to the county service of New York, Kings, Queens, Richmond and Erie counties.

The counties of Albany, Monroe, Onondaga and Rensselaer contain cities of the second class and have a population of upwards of

150,000 each, with the exception of Rensselaer, which has a population of 121,697. The following counties also have a population of upwards of 100,000 each: Westchester, 183,375; Oneida, 132,800; Orange, 103,859. In these counties are institutions for the care and confinement of the delinquent and dependent classes and public offices where the rule of the Constitution can well be applied.

In the smaller counties of the State where the employees are few in number and where the fee system prevails, there is difficulty in applying the merit system effectively, but in these larger counties there seems no reason why the merit system should not profitably be extended to comply with the mandate of the Constitution.

The Society for the Reformation of Juvenile Delinquents in the City of New York maintains a house of refuge for juvenile delinquents on Randall's Island. While it is a private corporation, the managers being elected by the members of the society, yet children are committed to such house of refuge by the courts and the State appropriates annually a large sum for the maintenance of such juvenile delinquents.

The officers and attendants of the Randall's Island institution are paid by the corporation out of funds received from the State. Such employees are about 114 in number and their payrolls for the fiscal year ending September 30, 1904, amounted to \$73,184.13. The society is essentially a State agency and the civil service provisions of the Constitution should be applied to the appointment and promotion of such employees, as a condition precedent to the further receipt of State aid.

## PUBLIC HEALTH.

The best methods of preventive medicine and public hygiene should be adopted by the State and the civil divisions thereof. Germ diseases may be classed as preventable diseases, particularly those that are caused by the contamination of the water supply. All sources of public water supply should be examined and analyzed by the State Commissioner of Health as rapidly as possible and at frequent intervals. The private water supply of public resorts should also be subjected to State analysis and the results should be made public. I recommend that the Legislature devise a system of State inspection of domestic water supplies, to be maintained at the cost of the municipalities, corporations and private owners affected thereby.

The growing demands for additional water supplies in the greater cities and for adequate supplies of pure and wholesome water for

domestic purposes in other municipalities indicate that in the not distant future the problem of water supply for municipalities will be a most serious one. It seems doubtful whether all centres of population can continue indefinitely to rely upon a natural supply of pure and wholesome water without recourse to artificial methods of purification. The question presents itself whether it is not feasible to develop some plan whereby the municipalities may be insured a water supply at a minimum cost under state supervision through state conservation of the waters of the Adirondacks and other sources. The Legislature of 1904 enacted a law creating a water storage commission which has for its object practically the conservation of water for power purposes. A State commission, having also for its object the supply of water to the cities might be of great service.

### FISH, GAME AND FORESTS.

The forests and streams of the State should be made attractive places of resort for the invalid and for those in search of wholesome recreation in the open air. To this end the fish, game and forest laws should be strict and consistent. The preservation of the wilderness and the restocking of the waters of the State with food fish, and the protection of game, should, in my judgment, be encouraged, not only for the benefit of our own people, but for the purpose of attracting to our State the ever-growing army of sportsmen and pleasure-seekers.

The policy of the State towards the extension, preservation and control of the Forest Preserve demands careful attention, and I shall at some later date communicate to you by special message my recommendations on that subject, whereby I hope to be able to outline a more comprehensive and consistent treatment than would be proper within the limits of this message.

### UNITED STATES DEPOSIT FUND.

The Comptroller in his report of 1903 states that, "This trust fund under the State Finance Law is included with the common school and literature funds as a part of the education fund, by article IV of that statute, but is managed pursuant to provisions applied to no other fund or class of investments for public moneys, with results and tendencies so unsatisfactory that a change of method seems imperative for the preservation of the fund and for the advantage of the citizens entitled to the benefits contemplated



“by the original acts under which the money was accepted by the “State.”

The United States Deposit Fund is distributed in the care of 122 loan commissioners, two in each county. It is loaned on real estate mortgages on improved lands worth double the amount applied for, exclusive of buildings. With the lapse of sixty years the benefits to be derived from distributing loans of small amounts in remote districts have become legendary and the method proves to be antiquated, expensive and inefficient for the purpose. During the past fiscal year the fund suffered a diminution from losses on foreclosure of mortgages, and other causes, of \$169,312.73. The law requires that transfers be made from the general fund to maintain the principal of this fund intact. The annual net income from the fund for the year ending September 30, 1900, is stated by the Comptroller to be less than .2 of one per cent. The average net rate of interest on loan commissioners' mortgages since the year 1895 is 2.2 per cent. During the same period the net rate of interest received on municipal bonds held by the Comptroller is 3.75 per cent. At the close of the year 1902 the State owned approximately 18,000 acres of land acquired through foreclosure of loan mortgages, upon which the rents collected for that year were less than one per cent. of the cost of the land to the State. The acreage from this source is constantly increasing, much of it unsalable or only to be disposed of at heavy loss. The tendency appears to be that this trust fund will become an annual charge upon the taxpayers, instead of an aid, unless some remedy is provided. I therefore recommend that the present system of investments be changed and that the fund be held and managed under the supervision of the Comptroller's office in some such manner as the common school fund and literature fund now are held and managed.

### TENEMENT HOUSE LAW.

The Court of Appeals has finally upheld the constitutionality of the only part of the Tenement House Law of 1901 which has been contested in the courts. This measure is one not only of charity but also of justice; not only for the benefit of the poorest families, but also for the general welfare of the community. For its enactment and enforcement my predecessor is entitled to the highest credit. The law is now definitely established. Large sums of money have been expended under it, and it would seem to be of the utmost importance that no change should be made in it except where the necessity therefor is apparent.



## PRESERVATION OF PLACES OF SCENIC AND HISTORIC INTEREST.

The preservation of historic objects or picturesque places in the State should be encouraged. The beautiful and wonderful features of natural landscape should be protected from disfigurement, and places and objects identified with the history of the State should be saved from obliteration. It does not seem necessary that the State should expend large sums of money for this purpose, but it should aid by legislation, wherever possible, the protection of natural scenery and encourage the work of those associations which are organized for the purpose of commemorating historic events and marking points of historic interest. Legislation which seeks to promote the improvement of cities and villages by the adornment of their parks and thoroughfares, and which compels the removal of the unsightly and disfiguring from public places, should be enacted.

### LOUISIANA PURCHASE EXPOSITION AT ST. LOUIS.

New York State participated with success in the great exposition which has just closed at St. Louis. The exhibits of the State received suitable recognition in the awards made by the exposition authorities. The grand total of awards to this State was 559. The supremacy of the State in many of the departments in which exhibits were made was demonstrated. The work of the commissioners was performed with zeal and discrimination and reflects credit upon the State.

I desire to renew the recommendation of my predecessors, that laws, so far as possible, be general in their application and that the unnecessary multiplication of statutes be avoided. The Constitution of the State in terms prohibits many classes of special acts and the spirit of the Constitution and of our institutions demands the application of the principle of equal rights to all and special privileges to none.

I commend to your thorough study the reports of the various departments which are about to be submitted to you. They contain much that is of high value and great interest to the student of governmental affairs. It is impossible in the limits of this message to extract therefrom more than the broadest generalizations. The work of the departments is in a satisfactory condition and the reports of the heads thereof are thorough and exhaustive.

FRANK W. HIGGINS.

(No. 2.)

## SPEAKER'S APPOINTMENTS.

Speaker's clerk.—Louis McKinstry.

Speaker's stenographer.—Carrie L. Miller.

Speaker's messenger.—Horace R. Mason.

Assistant doorkeepers.—Myron A. Phelps, E. R. Weed, George S. Monahan, W. Fliegal, George W. Shelland, Charles Gardner, L. D. Pearsall, Solomon Gluckan.

Postmaster.—John S. Harrington.

Assistant postmaster.—Byron P. Shutts.

Postoffice messenger.—John Parsons.

Janitor to the Assembly.—Charles Warley.

Assistant janitors.—B. L. Harrington, Jacob Weiss, Fred Krappe, H. N. Borden.

Messenger to committee on ways and means.—Charles H. Barnard.

Messenger to committee on affairs of cities.—John Montgomery.

General messengers.—Thomas Leahy, A. Newman, James Lawlor, Samuel Ferns, George E. Hollenbeck, Emil L. Davids, Albert Seamans, Fred A. Busener, John Ahern, W. B. Zimmer.

Clerk to committee on ways and means.—John A. Brown.

Clerk to committee on the judiciary.—W. H. Henderson.

Clerk to committee on general laws.—G. Lester Flint.

Clerk to committee on affairs of cities.—Mark Bell.

Clerk to committee on railroads.—Moses Sloan.

Clerk to committee on codes.—Lloyd L. Miller.

Clerk to committee on affairs of villages.—Harry Norwood.

Comittee clerks.—G. L. Olds, D. Ford Hager, George S. Henry, E. W. Moses, D. S. Murden, Charles E. Adams, J. F. Collins, Charles Brady, J. B. McLaughlin, E. C. Chapman, S. E. Burr, Edward Roberts, E. S. Manchester, E. A. Atchinson, H. J. Kibbhen, E. E. Berrian, D. N. Snyder, Charles Esselstyn, W. G. Morgan, George Noll, J. B. Henty, T. J. Kenny, George Fentricks, Charles Carpenter, Robert H. Scott, Stephen C. Daines, W. D. Leat, Henry F. Kenny.

Stenographer, committee on ways and means.—Seward H. French.

Stenographer, committee on affairs of cities.—George T. Haselbarth.

Stenographer, committee on the judiciary.—Ada W. Lighthall.

Stenographer, committee on general laws.—Jessie Northrup.

Stenographer, committee on railroads.—Louise C. Staltz.

Stenographer, committee on codes.—C. F. Nies.

Stenographer, committee on insurance.—Joseph P. Hogan.

Stenographer, committee on affairs of villages.—Benjamin Feltrich.

Stenographer, minority leader.—A. E. Hoyt.

General stenographers.—Una C. Mott, Margaret Kirwin, Henry J. Grimm.

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(No. 3.)

CLERK'S APPOINTMENTS.

Clerk's stenographer.—L. W. Baxter.

Clerk's messenger.—Dwight L. Goewey.

Assistant clerk.—Ray B. Smith.

Journal clerk.—W. K. Mansfield.

Assistant journal clerk.—Myer Prowda.

Index clerk.—Charles H. Wicks.

First assistant index clerk.—Charles H. Clark.

Second assistant index clerk.—M. B. Pratt.

Deputy clerk, chief engrossing.—D. W. Evarts.

Deputy clerk, chief revision.—Charles H. Betts.

Deputy clerks.—John A. Elwood, William V. Ross, James J. Flannigan, A. L. Decker, E. F. Ellsworth, E. F. Merwin, Charles H. Clark, C. Ralph Deihl, M. J. McQuade, John D. Wixon, Daniel Wilks, Henry C. Weeks, H. L. Roberts.

Librarian.—O. L. Ingalls.

Assistant librarian.—B. D. Smith.

Assistant clerk to committee on engrossed bills.—I. Minton.

Financial clerk.—Frank N. Petrie.

Assistant financial clerk.—Charles J. Odell.

Superintendent of wrapping department.—F. R. Smith.

Assistant superintendents wrapping department.—C. H. Bowman, Stephen Shader, Benjamin Baker, W. P. Rightmore, James Harmon.

Superintendent of documents.—A. M. Seymour.

Assistant superintendents of documents.—C. A. Stone, Fred W. Van Order, Edward D. Cooper, Eugene Briggs, Conrad Anderson.

Mail and document carrier.—John A. Ulrich.

Chief messenger, charge of pages.—James H. Millard.

Messengers.—M. C. Donovan, Albert Kent, A. N. Cochrane, Frank Smith.

Messengers to committees.—Frank Wilson, C. A. Johnson, R. C. Derrick, William Murray, Edward Gibhardt, O. E. Nichols, C. B. Alberson, C. M. Smith, George Lambert, William George, Ward Buchannan, Robert S. Dalzell, Max Klein, John Low, Murray Davidson, Charles Loeb, Benjamin C. Kaiser, James D. Taylor, James H. Osborn, J. H. Newhouse.

Pages.—Harris Parr, Fred J. McGue, S. H. Dennison, Thomas Richardson, George Hutchinson, William F. Flynn, James G. McIntosh, Vivian Moore, Fred Schwager, Edgar Bassett, Leon Sloane, George L. Morse, Thomas Birch, John Kirker, Charles Bussey, John W. Nye, Edward R. Booty, Fred Pratt, Louis T. McLean, Willie Hoogkamp, Charles Dady, Otto Werner, H. C. McRale, Edward Montgomery, H. M. Wixon, B. C. Valentine, Michael Dobroezky, William McGregor, S. P. Williams, William Eldridge, R. E. Slawson, A. W. Walker, Jacob Lavine, John Coughlin, L. J. Lloyd, Fred D. Stevens, C. A. Higgs, L. G. Griffith, Harry H. Spencer, Harry Chase.

(No. 4.)

A message from the Governor, at the hands of his secretary, was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, N. Y., *February 20, 1905.*

*To the Legislature:*

The problem of providing an additional water supply for the city of New York that shall be abundant in quantity and satisfactory in quality is one which demands present and earnest attention. The city's needs are urgent and legislation is sought for its relief.

The charter of New York city (section 472) provides that:

“The commissioner of water supply, gas and electricity, with the approval of the board of estimate and apportionment, shall have power *within and throughout the State of New York*, to select and to determine all sources of water supply that may be needed for the supply of the public waterworks of said city, and for the supply and distribution of water in said city. Any sources of water so selected and determined by him shall be deemed necessary for the public use of the city of New York, and thereupon, with the approval of the board of estimate and apportionment, together with the authority of the board of aldermen, expressed by its resolution or ordinance, it shall be lawful for the city of New York to acquire by condemnation any real estate or any interest therein that may be necessary in order to acquire the sole and exclusive property in such source or sources of water supply, and to wholly extinguish the water rights of any other person or corporation therein, with the right to lay, relay, repair and maintain aqueducts, conduits and water pipes, with the connections and fixtures on the lands of others, and, if necessary, to acquire by condemnation lands for such purpose in any county or counties through which it may be necessary to pass in conducting such waters to the city of New York; the right to intercept and to direct the flow of water from the lands of riparian owners, and from persons owning



or interested in any water, and the right to prevent the flow or drainage of noxious or impure matters from the lands of others into its reservoirs or sources of supply, provided that it shall not have power to acquire or to extinguish the property rights of any person or corporation in or to any water rights that at the time of the initiation of proceedings for condemnation are in actual use for the supply of the waterworks of the people of any other city, town or village of the State, or for the supply and distribution of waters to the people thereof; or which in the opinion of the court on such proceedings may reasonably become necessary for such supply or to take or use the water from any of the canals of the State, any canal reservoirs, or waters used exclusively as feeders for canals, or from any of the streams acquired by the State for supplying the canals with water. The city of New York is authorized to acquire by purchase, lease, or otherwise, lands or water in any other State, or rights, interests, or privileges in, to or over any lands or water in any other State for the purpose of supplying water to the city of New York."

This sweeping provision has proved inadequate. Change of administration has followed by reinvestigation and modification or condemnation of previous plans. Continuity of action can scarcely be expected when the policy of the department may be altered every two years. Each new commissioner lacks the time, if not the ability, to work out the problem himself. The extension of the present system of water supply cannot much longer be carried on by piecemeal—a method which involves the maximum of expenditure and the minimum of result. A continuous body composed of able and interested men, selected without reference to political affiliations can alone, in my judgment, deal adequately with the water question. The power of appointment of such a commission or board should be lodged in the hands of the mayor, as is demanded by the spirit if not by the letter of the constitutional provision guaranteeing to cities the right to select their own local officers. But to emphasize the proposition that the problem is strictly one of business and not of politics, to encourage the careful and judicious

consideration of the proper qualifications for the position by capable counsellors, and to create the utmost confidence on the part of the citizens in the independence and ability of the new commission, it would seem expedient to permit such organizations as the chamber of commerce, the Manufacturers' Association and the American Society of Civil Engineers to nominate to the mayor a list of candidates from which he shall select his appointees.

Such legislation is urged by the city authorities, and I recommend to you its prompt consideration.

But while the Legislature is considering the needs of the city of New York it should also consider its duty to the State and to other civil divisions of the State. Under the existing law (city charter, section 472, above quoted), the commissioner of water supply is authorized to select and condemn sources of water supply throughout the State, subject only to the restriction that he shall not take from any municipality its water supply in actual use or waters which may reasonably become necessary for such supply, or interfere with the canals of the State.

The commissioner of water supply may therefore take water rights anywhere in the State, subject only to the approval of the board of estimate and apportionment and the board of aldermen, and the restrictions above referred to. Other municipalities are not in a position before the court to protect their prospective needs. In condemnation proceedings under this section of the city charter, compensation is paid only for the value of property actually taken. Collateral and consequential damages are not considered. With the taking and destruction of the factory on the watershed the store may lose its customers, the church its worshipers, and the village its population. Values may thus be depreciated without compensation where there is no actual taking of property by the city. Local opposition to the extension of the city's water system into a community is therefore natural and not unjustifiable, and has resulted in special legislation excluding the city of New York from various con-

venient sources of supply which might be used under proper restrictions.

An abundant supply of water for domestic purposes exists if it is properly conserved and distributed. Millions of gallons run daily to waste. It seems entirely feasible to utilize the sources of supply with economy and with justice to all interests. But in my judgment this requires State supervision. A State Commission, which shall examine and pass upon all plans for new sources of water supply or extensions or additions to existing supplies, and which shall be vested with power to approve or disapprove such plans seems to be needed to protect the general welfare. The members of such commission should have proper scientific and legal qualifications and a reasonably long and secure tenure of office. Its determinations should be subject to speedy judicial review by the Appellate Division of the Supreme Court at the instance of parties aggrieved.

Without indicating further the details of such bills as may be necessary to accomplish the twofold result of providing the city of New York with water and protecting other localities of the State from injury, I earnestly recommend early action on the part of the Legislature dealing comprehensively with the whole subject.

FRANK W. HIGGINS.

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(No. 5.)

AN ACT to amend chapter twenty, of the laws of nineteen hundred, known as an act for the protection of the forests, fish and game, of the state, constituting an addition to said chapter twenty, laws of eighteen hundred and ninety-two to be known as article fourteen of said chapter, being an amendment to chapter eighty-one of general laws, providing for a license to hunt deer, bear and game birds.

*The people of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Licenses for hunting; kinds; who to issue; resident, who is; how may transport deer; nonresident, who is; how may

transport deer.—The state forest, fish and game commissioner shall issue licenses for the hunting of game in the manner and under the conditions hereinafter stated. All such licenses issued to nonresidents and unnaturalized persons shall be countersigned by the secretary of state. All fees for such licenses shall be paid previous to the issuing thereof. The state forest, fish and game commissioner shall procure the printing of all licenses for the hunting of game and a record of such licenses issued to nonresidents shall be kept in the office of the forest, fish and game commissioner. All licenses to persons who are residents of the state shall be numbered consecutively at the time they are printed, and shall be furnished by the state forest, fish and game commissioner to the clerks of the several counties in the state. Such clerks shall issue the same upon the terms and conditions hereinafter provided. Two forms of licenses for nonresident and unnaturalized persons shall be issued, to wit: One for hunting of deer and bear, and the other for the hunting of game protected by the laws of the state with the exception of deer, provided, that a person holding a license for the hunting of deer is hereby authorized to hunt for any game protected by the laws of the state during the seasons and under the conditions prescribed by law, and the terminations of said license shall be stated on its face. Not more than one license shall be issued to the same person in any one year. The state forest, fish and game commissioner may issue duplicates for licenses lost, upon satisfactory proof of its loss or destruction.

§ 2. Any resident of this state who shall pursue, hunt or kill any deer or bear of this state without being at the time of such pursuing, hunting or killing in possession of a license duly issued to him, which license shall cover the period in which he shall be pursuing, hunting or killing such game, or who shall furnish to another person during the open season for such game or permit such another person to have, during such season a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

§ 3. Every person who has resided in this state for one year previous to applying for a license to hunt deer and bear and who



desires to hunt the same must first obtain a license from the county clerk of the county in which he resides, which said license shall be issued by said county clerk, under seal, upon blanks, furnished by the secretary of state. Said license shall certify that the licensee is a bona fide resident of the state of New York and give a description of such person such as shall be required by the secretary of state and the state forest, fish and game commissioner in the blank licenses furnished to said county clerk. The applicant for such license shall show that the licensee is a resident of this state, shall give his residence and his postoffice address, shall contain a description of his person, and such other information as shall be required by the secretary of state and the state forest, fish and game commissioner, shall be verified by the affidavit of the applicant and some resident of the county other than himself acquainted with the facts as set forth in the application. The county clerk shall receive with each such application for license the sum of seventy-five cents. The license so issued to any resident of this state shall have attached two coupons for the shipment of deer. Each coupon shall be divided into two sections lettered A and B respectively. The holder of a resident coupon license shall be entitled to offer for transportation or have transported within the state by a common carrier of the state one carcass of a deer or part of carcass of deer on each of the two coupons attached to his license, when accompanied by the owner thereof. The agent receiving the carcass or part of carcass for transportation shall detach section A of the coupon on which the same is to be transported and forward said section to the state forest, fish and game commissioner. Section B is to be attached to the carcass or part of carcass of deer received for transportation and the two sections of the coupon must be canceled by the said receiving agent with the date of reception for shipment and his initials written or stamped, plainly thereon. While in transit, section B of the coupon must be on the carcass or part of carcass of deer shall be subject to seizure as contraband game. The receiving agent or employee of transportation companies or common carriers are required to transmit to the state forest, fish and game commissioner section A of the coupon as herein required, must so transmit the same within two days of the date of shipment. Any agent, servant or employee of any transportation



company or common carrier who shall receive for shipment or transport any carcass of deer or part of deer without having the coupon attached thereto as herein provided, or who shall refuse or neglect to detach section A of the coupon as herein provided, or who shall fail to transmit or forward to the state forest, fish and game commissioner as herein provided the section by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment, in the discretion of the court. No transportation company or common carrier shall receive for transportation, or transport or attempt to transport any carcass of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section, relative to the coupons and parts of coupons, and shall only be received for shipment, carried or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

§ 4. Any nonresident or unnaturalized person of this state who shall pursue, hunt or kill any of the birds, fowls or animals protected by the laws of this state without being at the time of such pursuing, hunting or killing in possession of a license duly issued to him, which license shall cover the period in which he shall be so pursuing, hunting or killing such game, or who shall furnish to another person, during the open season for such game or permit such another person to have, during such season, a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

§ 5. Every unnaturalized person, and every person who has not resided in this state for one year previous to the time of applying for a license to hunt any of the game protected by the laws of the state of New York, shall, for the purposes of obtaining license to hunt game, be considered a nonresident thereof and shall, in order to be entitled to a license for the pursuing or killing of game in this state during the seasons or times which the law permits the hunting, pursuit or killing of game, pay to the secretary of state the following sums, to wit: For a license

to hunt deer and bear in the season therefor as fixed by law, which said license shall include permission to hunt any and all other kinds of game protected by law, in the several seasons or times fixed therefor, twenty-five dollars; for the hunting of all kinds of game protected by the laws of the state, in the seasons or times fixed therefor by law with the exception of deer or bear, ten dollars. The application for either of such licenses shall state the residence of the applicant and answer such other questions or give such other information as may be required by the secretary of state and the state forest, fish and game commissioner and be verified by the affidavit of the applicant that the residence stated and the answer made or information given are true.

§ 6. Licenses, nonresidence; transportation of deer under.— Each license for the hunting of game issued under the provisions of law shall state for what year the same is granted, and shall be valid for no other period, nor for any time or season than that which the law shall designate to be the open season for game permitted to be hunted, taken or killed by the terms of such license, subject to the proviso that all kinds of game can be hunted in their season and under the conditions of law by a person holding a license for the hunting of deer and bear. The licenses for nonresidents and unnaturalized persons of the state for the hunting of deer and bear and the general game licenses for nonresident and unnaturalized persons of the state shall each be numbered consecutively when issued from the office of the secretary of state, and be upon best tag board of coloring differing the one from the other; and both of these licenses provided for nonresidents and unnaturalized persons shall differ essentially in color from the licenses provided to be furnished to residents. The licenses shall contain the name and place of residence of the licensee, and such other matter and information as may be required by the secretary of state and the forest, fish and game commissioner, to identify the licensee or more perfectly guard against violations of law. The licenses issued to persons not residents of this state shall recite that the licensee is a non-resident of the state; those prepared for issuance to residents of the state shall state that the licensee is a resident; those prepared for issuance to unnaturalized persons shall state that the licensee is unnaturalized; all coupons or stubs shall contain like infor-

tion. Each license issued by the county clerks shall be provided with two stubs, indicating the number of the license, to who granted, the residence of the licensee, and such other information as may be required by the secretary of state and state forest, fish and game commissioner. One of such stubs shall be detached by the clerk issuing the license and shall be sent to the state forest, fish and game commissioner by him; the other stub shall be retained in the office of the county clerk and become a part of the records. Each license for the hunting of deer and bear issued to nonresidents or unnaturalized citizens of the state, shall be provided with two coupons containing the essential information of the license relative to the number of the license and the licensee, and such other information as the secretary of state and the state forest, fish and game commissioner may determine to embody therein, including the express statement that the licensee is a nonresident of the state, or an unnaturalized citizen. Each coupon shall be divided into three sections, lettered A, B, and C, respectively. The holder of a nonresident or unnaturalized citizen license shall be entitled to offer for transportation and have transported within the state by a common carrier of this state one carcass of a deer or part of a carcass of a deer on each of the two coupons attached to his license. The agent receiving the carcass or part of a carcass for transportation shall detach section A of the coupon on which the same is to be transported, and forward said section to the state forest, fish and game commissioner. Section B and C are to be attached to the carcass or part of carcass of deer received for transportation, and all three sections of the coupons must be canceled by the said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon. While in transit within the state section B and C of the coupon must be on the carcass of deer or part of carcass of deer or the said carcass or part of carcass shall be subject to seizure as contraband game. If the place of delivery of said carcass or part of carcass is within the state of New York, the delivering agent of the common carrier or transportation company, shall before the delivery to the consignee, detach section C of the coupon, and forward said section to the state forest, fish and game commissioner, leaving section B attached to the carcass or part of carcass. The

receiving and delivering agents or employees of transportation companies or common carriers required to transmit to the state forest, fish and game commissioner sections of the coupons as herein required must so transmit the same within two days of the date of shipment or delivery respectively. If the carcass or part of carcass of deer be consigned to a point within the state of New York the agent, servant or employee of the transportation company or common carrier who shall be in charge of the carcass or part of carcass while in transit within the state, shall detach section C of the coupon and deliver the same to the agent, servant or employee of the transportation company or common carrier at the last station or place in the state where the train or other conveyance of the said transportation company or common carrier shall stop, and it shall be the duty of the said agent, servant or employee of the said transportation company or common carrier to whom said section of the coupon is delivered to immediately forward the same to the state forest, fish and game commissioner, after writing or stamping thereon the name of the station or place and date of reception thereat of said section of said coupon. Any agent, servant or employee of any transportation company or common carrier who shall receive for shipment or transport, or have in his possession with intent to ship or transport any carcass of deer or part of carcass of deer without having the coupons or sections of coupons attached thereto as herein provided or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to transmit or forward to the state forest, fish and game commissioner as herein provided the sections by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment in the discretion of the court. No transportation company or common carrier shall receive for transportation or transport or attempt to transport any carcass of deer or part of a carcass of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section relative to the coupons and parts of coupons and shall only be received for shipment, carried or delivered during the season or



time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

§ 7. Any person who shall pursue, hunt or kill deer or bear without being at the time of such pursuing, hunting or killing, in possession of a license duly issued to him, which license shall cover the period in which he shall be so pursuing, hunting or killing deer or bear, or who shall furnish to another person during the open season for deer or bear or permit another person to have, during such season, a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months. The following is a form of complaint to cover a violation of above section.

#### Form of complaint.

STATE OF NEW YORK, { ss.  
COUNTY OF..... }

....., being duly sworn, says that on the .....day of ....., 19.., at said county ..... (name of the accused) was duly licensed to pursue, hunt or kill deer and bear in the state of New York during the open season therefor in the year 190.., by the secretary of state of said state (or by the county clerk of ..... county in the state of New York); that said ....., during the open season for the killing of deer in the year 190.., which season was covered by the license aforesaid, to wit: on the ..... day of ..... in the year 190.. at the county of ..... in the state of New York, did unlawfully furnish to and permit another, to wit: ..... (name of person to whom furnished), to have said license, contrary to the provisions of section (.....) of the New York statutes of 1905, and against the peace and dignity of the state of New York.

.....

Subscribed and sworn to before me this

.....day of ....., A. D. 190..

.....

Justice of the peace.



§ 8. Any person who shall make to any county clerk authorized to issue licenses for the pursuit, hunting or killing of deer, bear or game birds a false statement concerning his residence or naturalization, and thereby obtain such a license therefore as only residents of this state and naturalized citizens are entitled to, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than four months nor more than one year, or in the state prison not exceeding one year. The following is a form of complaint to cover a violation of the above section.

Form of complaint.

STATE OF NEW YORK, }  
COUNTY OF..... } ss.

....., being duly sworn, says that on the  
..... day of ....., 19.., at said county.....  
(name of the accused) did make a false statement to .....  
....., county clerk of the county of ....., in said  
state, relative to his residence in the state of New York, such  
statement being (give the language of the statement as near as  
practicable), and being false in this, to wit: that the said.....  
....., at the time said statement was made as  
aforesaid, had not resided in the state of New York for a period  
of one year immediately previous to the opening of the deer  
season in the year 190.., and was not at the time of the making  
of said statement a resident of the state of New York, within  
the meaning of chapter..... of the New York statutes of  
1905; that by reason of such false statement the said county  
clerk issued to the said ..... a license under  
the provisions of said chapter of said laws for the pursuit, hunt-  
ing or killing of deer and bear in the state of New York during  
the open season therefor in the year 190.., contrary to the pro-  
visions of chapter ....., of the New York statutes of 1905,  
and against the peace and dignity of the state of New York.

.....;  
Subscribed and sworn to before me this  
..... day of ....., A. D. 190..  
.....

Justice of the peace.

§ 9. Any person who shall change or alter in any manner a license for the pursuit, hunting or killing of deer and bear shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than six months nor exceeding one year. The following is a form of complaint to cover a violation of above section.

Form of complaint.

STATE OF NEW YORK, }  
COUNTY OF..... } ss.

..... being duly sworn, says that on the  
.....day of ..... in the year 190..., at said county .....  
(name of the accused), did unlawfully alter and change a license  
for the pursuit, hunting or killing of deer in said state during  
the open season therefor in the year 190..., which license was  
issued by the secretary of state of the state of New York (or the  
county clerk of ..... county in the state of New York),  
pursuant to the provisions of chapter ..... of the New  
York statutes of ..... (describe the alteration made  
in the license), contrary to the provisions of section .....  
of said chapter, and against the peace and dignity of the state  
of New York.

.....

Subscribed and sworn to before me this

.....day of ....., A. D. 190..

.....

Justice of the peace.

§ 10. It shall be the duty of each county clerk in this state to remit to the county treasurer of his county on the first day of each month, all moneys received by him for hunting or fishing licenses during the preceding month, less twenty-five cents for each license so issued, which shall cover the swearing of the applicant to the affidavit herein referred to and all other services under this act, and to report to the state forest, fish and game commissioner the number of licenses issued, and the amount of money remitted to the county treasurer. He shall also keep in an index book to be furnished by the secretary of state, the names of all licenses in alphabetical order, said names to be entered at

the time the licenses are issued. On the first day of December of each year and within ten days thereafter, each county clerk shall return to the secretary of state all unused licenses and affidavits and used and unused stubs of licenses issued.

§ 11. Said county treasurer shall forthwith forward to the state treasurer all sums of money received by him for nonresident and unnaturalized persons' licenses, and one-half of all moneys received by him for resident licenses and the balance he shall hold in his hands to be used as hereinafter provided. The amount remaining in the hands of the county treasurer shall be paid out upon orders of the board of supervisors, but only for services rendered by sheriffs, constables, special game protectors and county game protectors, in enforcing the game and fish laws of this state in said county. All moneys to be retained by the county treasurer under the provisions of this section against which orders have not been drawn by the board of supervisors shall be covered in the state treasury at the expiration of one year after the year in which the license was issued. So much of said money as is covered into the state treasury shall be added to the special fund for the protection of forests, fish and game.

§ 12. All such license moneys so received shall be set aside by the state treasurer and shall constitute a special fund for the payment of special game protectors.

§ 13. All acts or parts of acts heretofore passed, inconsistent with or contrary to the provisions of this act are hereby repealed.

§ 14. This act shall take effect immediately.

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(No. 6.)

AN ACT to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. John E. Andrus, of the city of Yonkers; William Archer, of the city of Mount Vernon, and John J. Brown, of the village of White Plains, all in the county of Westchester, shall be the commissioners under this act and are hereafter named

and described in this act as the sewer commissioners and are hereby authorized, empowered and directed to carry out the provisions of this act in the manner hereinafter provided for the purposes of providing a sanitary trunk sewer in the Bronx river valley within the county of Westchester, and an outlet sanitary sewer through the city of Yonkers to the Hudson river, and preventing the pollution of the streams in the Bronx valley in the county of Westchester, and preserving the health of the people of Westchester county. Said commissioners shall receive a salary at the rate of two thousand five hundred dollars per annum during their term of office. Their term of office shall be three years from the date of their organization, when their term of office and the office itself shall cease and determine. The salaries received by said commissioners hereunder shall be in addition to any salaries they otherwise receive as public officials. And the said commissioners, within twenty days after the passage of this act, shall meet in the county of Westchester, and after taking and subscribing severally an oath that they will faithfully and impartially execute and perform the duties imposed upon them by law, shall organize the said commission and shall elect one of the commissioners as chairman of said sewer commissioners. Said oath shall be filed in the office of the clerk of the board of supervisors of Westchester county. The board may frame and adopt by-laws not inconsistent with this act, and establish suitable rules and regulations for the proper exercise of the powers and duties hereby conferred and imposed upon it, and may from time to time amend the same. Two members of said board shall constitute a quorum for the transaction of business, but a less number may adjourn the meeting. Said board shall adopt a seal and keep a record of its proceedings, which shall be a public record and be open to inspection at all reasonable times. And said sewer commissioners shall make an annual report of all their proceedings to the board of supervisors of Westchester county. The treasurer of the county of Westchester shall be ex-officio the treasurer of said sewer commissioners but shall have no vote, and as such treasurer shall in addition to any salary or compensation he otherwise receives as a public officer receive a salary at the rate of seven hundred and

fifty dollars per annum during the term of this commission; and his proceedings as such treasurer shall be filed with and form a part of the record of the treasurer of Westchester county. The said commissioners shall in the name of the county of Westchester have the right, power and authority to acquire, hold and use all such property, real, personal or mixed, as may be proper or necessary, and shall have all other powers proper or necessary to carry out and effectuate the purposes of this act. No commissioner shall be directly or indirectly interested in any contract awarded under the provisions of this act, or in furnishing provisions or supplies therefor to any contractor, or in furnishing security for the performance of any contract, and any violation of this provision shall be a misdemeanor and punishable as such. And the said commissioners, in order to carry out economically the provisions of this act for the best interests of taxpayers and the people of the county, are hereby authorized, empowered and directed to consider the construction, operation and maintenance of the said sanitary sewer and outlet sewer, their principal function and duty and all other powers granted to them by this act to be subordinate and incidental thereto; excepting in so far as the exercise of said powers in their judgment may be necessary or essential to preserve the health of the people of Westchester county, during the period of the construction of the said sanitary sewer and outlet sewer. And the said commissioners shall so carry out the powers and provisions of this act that the total amount of all expenditures made or liabilities incurred by them for the construction, operation and maintenance of said sewer and outlet sewer and for obtaining lands and easements therefor, shall not exceed two million dollars, and they are prohibited from contracting for any greater expenditure. Any vacancy in said commission caused by death, resignation or otherwise, shall from time to time be filled for the balance of the term of said commission by appointment of the board of supervisors of Westchester county. Such appointee shall be a resident and taxpayer of the area affected by the construction of the sewer.



§ 2. It shall be the duty of said commissioners to adopt the survey already made, by the commission formed for that purpose of such lands within the sewerage area of the said proposed sewers, and to make or cause to be made such amendment or amendments thereto as said commissioners may deem necessary, or as may be required by the provisions of this act, and for the purposes of this act such commissioners may retain all necessary counsel and attorneys and are empowered to employ and at pleasure discharge competent civil engineers and surveyors, and to enter upon any and all the lands deemed necessary by the said commissioners for the purposes heretofore and hereafter set out, and survey the same, and take levels thereof, and by themselves, their servants and agents, do all things necessary to the preparation, for the construction and completion of a sanitary trunk sewer from the northerly line of the town of White Plains, at or near the Bronx river, in the county of Westchester, thence southerly along the Bronx river, in or through the towns of White Plains, Greenburgh, Scarsdale, East Chester and the cities of Mount Vernon and Yonkers, to or near the southerly line of the city of Yonkers; and of an outlet sanitary sewer from thence westerly through the city of Yonkers into the Hudson river; and also, to do all things necessary to prevent the pollution of the Bronx river. The sanitary outlet sewer if it be a sewer tunnel, extending westerly along the southerly line of the city of Yonkers, from the trunk sewer in the valley of the Bronx river, shall extend to a point in the city of Yonkers in the Hudson river in the bulkhead line in said city, established by the United States war department in eighteen hundred and ninety-seven. All lands to be acquired, shall except where it may be necessary in the discretion of said commissioners to increase the dimensions thereof be limited to fifty feet in width, and the map, which shows or shall show the entire area benefited by the sanitary sewer and outlet sewer and the plan or plans thereof heretofore made and amendments which may be made thereto as in this act provided shall remain on file in the office of the said commissioners, and be open to public inspection and shall be the plan according to which the said sewers and appurtenances shall be constructed, subject to such

changes or modifications as the said commissioners may from time to time deem necessary for the more efficient carrying out of the provisions of this act. A copy of the plan so adopted as aforesaid, with a certificate of such adoption written thereon, signed by said sewer commissioners or a majority of them, shall be deposited and remain on file in the office of the supervisors of the county of Westchester, and shall be filed in the county clerk's office of Westchester county. When said maps shall be entirely completed and amended by the commissioners aforesaid and filed as aforesaid, showing the area to be benefited, the commissioners shall fix a time and place within the county of Westchester, where all property owners shall have an opportunity to be heard, as to the plans submitted and the area benefited. Notice of the time and place of such meetings shall be given by the commissioners by notice published at least one week before the time fixed for the meeting, in a newspaper published in the city of Mount Vernon, and also in a newspaper published in the city of Yonkers. After such hearing should the commissioners determine on any change in the plans or map or area benefited, a new map or plans shall be filed in the places designated above, and thereafter and before the actual construction of such sanitary sewers, said final map and plans shall be subject to the approval of the state engineer and the state board of health, and contracts shall not be let nor shall work be begun under the said final map or plan until such final map or plan shall have been approved by the state engineer and the state board of health. The final map or plan, after approval by the state engineer and state board of health as aforesaid, shall be deposited and filed, and remain on file in the office of the supervisors of the county of Westchester, and shall be filed in the county clerk's office of said county. Upon the said maps there shall be laid out and numbered the various parcels of real estate on, over or through which the said sewers are to be constructed and maintained; or which may be necessary for the prosecution of the work authorized by this act. On said map the natural and artificial division lines existing on the surface of the soil at the time of the survey shall be delineated, and

there shall be indicated thereon of which parcels the fee and over or through which parcels the right to use and occupy the same for the purposes hereof in perpetuity are to be required. The said maps may be made and filed in sections. The proceedings hereinafter authorized may, in like manner, be taken separately in reference to one or more of such sections but not before the maps of the whole are filed and as aforesaid approved. The work on one or more of such sections may be begun before the entire contracts for entire sanitary and outlet sewers shall be awarded, but not until estimates are received for the entire work. The construction and maintenance of said sewers and the works authorized by this act are hereby declared to be for a public purpose.

§ 3. The said commissioners and their agents, engineers, surveyors and such other persons as may be necessary to enable them to perform their duties under this act, are hereby authorized to enter upon any land, or water tributary to said Bronx river, or contiguous to the line, course or track of said sanitary sewers, for the purpose of making surveys or examinations, and preparing the maps required by this act, and also to make such soundings and examinations of the tidal waters of this state as may be deemed necessary.

§ 4. The said sewer commissioners may agree with the owners and persons interested, in any real estate or easement laid down on said maps, as to the amount of compensation to be paid to such owners or persons interested for the taking or using and occupying such real estate.

§ 5. The term real estate as used in this act, shall be construed to signify and embrace all uplands, lands under water, the waters of any lake, pond or stream, all water or mill rights or privileges, and any and all easements and incorporeal hereditaments, and every estate, interest and right, legal and equitable in lands or water, including terms for years, and liens thereon by way of judgment, mortgage or otherwise, and also all claims for damages to such real estate. It shall also be construed to include all real estate (as the term is above defined) heretofore or hereafter acquired or used for railroad, highway or other public purposes,

providing the persons or corporations owning such real estate, or claiming interest therein, shall be allowed the perpetual use, for such purpose, of the same or of such other real estate to be acquired for the purposes of this act as will afford practicable route or location for such railroad, highway or other public purpose, and in the case of a railroad commensurate with and adapted to its needs; and provided also, that such persons or corporations shall not, directly or indirectly, be subject to expense, loss or damage, by reason of changing such route or location, but that such expense, loss or damage shall be borne in like manner as other expenses incident to the construction of the sewers by the county of Westchester.

§ 6. If in any case the said sewer commissioners shall be unable to agree with the owner or owners of, or other persons having an interest in, lands deemed necessary by said commissioners in the construction and prosecution of the work hereby authorized, or when by reason of legal incapacity or absence, of such owner, owners, or other persons, no agreement can be made for the purchase of such lands or easements, the lands or rights, or interests in lands or easements, so deemed necessary for the purposes of this act shall be acquired by condemnation in proceedings instituted by said sewer commissioners in the manner provided by the code of civil procedure for the condemnation of real property for public purposes, in the name of the county of Westchester. In case commissioners to ascertain the compensation to be made to the owners of property to be taken in proceedings for the condemnation of real property shall be appointed, as provided by the code of civil procedure, the county of Westchester shall, on filing the oaths of said commissioners in the office of the county clerk of Westchester county, be and become seized in fee of all those parcels of real estate which are in the maps described as parcels of which it has been determined that the fee or easement therein should be acquired, and the said sewer commissioners may immediately, or at any time or times thereafter, take possession of the same, or of any part or parts thereof; and the said sewer commissioners and their successors or any persons acting under their or its authority may enter upon and use and occupy in perpetuity all the parcels of real estate described in said maps for the pur-



pose of constructing and maintaining on, in, under and over the same, the said sewers and their appurtenances. The county treasurer of the county of Westchester shall, within four calendar months after the confirmation of the report of the commissioners to ascertain the compensation to be made to the owners, pay to the respective owners and bodies politic or corporate mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated and reported by said commissioners of appraisal, the respective sum or sums so estimated and reported in their favor respectively, with lawful interest thereon from the date of filing the oath of said commissioners of appraisal, provided, of course, no appeal shall be taken therefrom. And in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate in whose favor the same shall be reported, his, her or their executors, administrators or successors, at any time or times after application first made by him, her or them to the county treasurer of the county of Westchester, for payment thereof may sue for and recover the same with lawful interest as aforesaid and the costs of suit in any proper form of action against the county of Westchester in any court having cognizance thereof and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act for real estate taken or affected for the purposes herein mentioned, and the report of said commissioners with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action.

§ 7. The said sewer commissioners shall from time to time, as may be necessary, prepare and approve forms of contracts, plans and specifications, and of bonds, for the faithful performance thereof, for the doing of the work and the furnishing of the material required to be done and furnished, or for the doing of such parts of said work and the furnishing of such parts of said material as may be from time to time required for that purpose. until contracts covering the entire work and materials required to be done or furnished shall have been prepared by the said sewer commissioners. The said sewer commissioners being hereby given the exclusive authority to determine what pro-



visions shall be embodied in said contracts. The adoption by the sewer commissioners of said form or forms shall be evidenced by their certificate endorsed thereon and signed by a majority of them, and the approval of their legal adviser or advisers for that purpose of said commissioners shall be evidenced by his or their certificate to that effect endorsed in like manner. These certificates shall be endorsed in quadruplicate on four similar copies of said contract, specifications and bonds, one of which shall thereupon be transmitted to the county treasurer of the county of Westchester.

§ 8. When the form of any contract with its specifications and the form of bond for the performance thereof shall have been adopted and approved as provided for in the last section, the said sewer commissioners shall advertise for sealed bids or proposals for the doing of the work or the furnishing of the material called for in such approved form of contract, in two newspapers, published in the county of Westchester, to be designated by the sewer commissioners, and one newspaper published in New York city and so designated, for at least fifteen days before the time fixed for the closing of the bids, and a notice thereof may, in the discretion of said commissioners, be printed in other papers. But no contracts shall be awarded for one section of this sewer, until estimates have been received for all sections, so that in no event the limit fixed by this act as to the cost of the total work shall be exceeded.

§ 9. All bids or proposals which may be sent in answer to the invitation of such advertisement shall be enclosed in a sealed envelope and delivered to the sewer commissioners or to such person as may be designated by them to receive the same, who shall, upon receipt thereof forthwith and in the presence of the person offering said bid, if said person be present, deposit it in a box provided for the receipt thereof, but no bid or proposal shall be so received or deposited unless at the time of such presentation there shall be deposited with the person designated as aforesaid a certified check upon a national bank, state bank, or trust company drawn to the order of said sewer commissioners to an amount not less than five per centum of the amount of the bond or security required by said approved form of contract for

the faithful performance of the work, or furnishing of the materials required to be done or furnished. The amount of said check need not, however, in any case exceed fifty thousand dollars.

§ 10. After the expiration of the time limited in the advertisement, the said bids or proposals shall be publicly opened by the said sewer commissioners in the presence of the treasurer of the county of Westchester, or his representative, and said commissioners shall award the contract to the lowest responsible bidder, but they may reject any or all of such bids. In case of the rejection of all of said bids the sewer commissioners shall readvertise said contract, and shall receive and dispose of the bids tendered under such readvertisement in the manner provided for in this act. In case any work should be abandoned by any contractor, or his contract terminated pursuant to the provisions thereof, it shall be readvertised and relet in the manner in this act provided for the original letting of such work.

§ 11. Within three days after the decision as to who shall receive the contract, the commissioners shall return all the deposits made to the persons making the same, except the deposit made by the bidder to whom the contract shall be awarded; and if the bidder to whom the contract is awarded shall refuse or neglect, within ten days after due notice that the contract has been awarded, to execute the same, and furnish the security required, the amount of deposit made by him shall be forfeited to and retained by the said commissioners as liquidated damages for such refusal or neglect; but if the said bidder to whom the contract is awarded shall execute the contract and furnish the said security within the time aforesaid, the amount of his deposit shall be returned to him.

§ 12. The contracts, when so awarded, shall be executed in triplicate by the contractor or contractors on the one part and the said sewer commissioners acting for the county of Westchester on the other part. One of the said originals shall be delivered to the contractor and the other two shall be filed, one with the county treasurer of the county of Westchester, and the other with said sewer commissioners. The work and material called for by said contract shall be done and furnished under the direction and supervision and subject to the inspection of the said commis-

sioners, their engineers, supervisors and inspectors. No contract shall take effect until the sewer commissioners, or a majority of them, shall certify thereon in writing that its acceptance will, in their judgment, best secure the public interest and the efficient performance of the work mentioned.

§ 13. The salaries and compensation of the persons employed, as provided for in this act, to prepare the necessary surveys, plans and estimates, and to direct, supervise and inspect the work required to be done under the provisions of this act, and all such other expenses in and about the same as are not herein required to be under contracts let after competition, shall be paid on the certification of the said sewer commissioners, or of such person or persons as may be designated by them. The various sums of money growing due from time to time under the terms of the several contracts made for the doing of the work and furnishing the material required by this act, shall be paid by the county treasurer on the certification of the said sewer commissioners, or such person or persons as may from time to time be designated by them, out of money or funds which shall come into his hands as provided in this act and which under the provisions of this act shall be applicable for that purpose. And all moneys which may become due and payable by virtue of the provisions of this act shall be paid by the county treasurer of Westchester county out of funds by this act applicable to that purpose.

§ 14. To pay the cost of construction of the sanitary trunk sewer and outlet sewer herein provided for, and to pay all the expenses and liabilities lawfully incurred by the commissioners under this act, the county of Westchester is hereby authorized to issue, in the name and under the seal of the said county in behalf of the district laid out on the plan and map approved under section two of this act, its bonds, in addition to the amounts which it is now authorized to raise, in such sum or sums as shall equal the entire cost of the sewer hereunder not to exceed two million dollars. Such bonds and interest to be payable by their terms by assessment and levy of taxes upon the real property laid out on the plan and map approved as set forth in section two of this act and not by levy upon the entire property in the county of Westchester, and they shall be executed when author-

ized by the commissioners hereunder. Said bonds shall be executed by the chairman of the board of supervisors of Westchester county and the treasurer of Westchester county. Said bonds are to be issued in serial form and not sold for less than par in amounts to be fixed by the commissioners hereunder. One-fiftieth of the entire issue thereof to be payable ten years from the time the first of said bonds are issued; and thereafter one-fiftieth thereof shall be payable in each year until the whole issue of said bonds shall be fully paid. The bonds issued hereunder shall be called the sanitary sewer district bonds of the county of Westchester. Said bonds shall not be issued at a rate to exceed four per centum per annum and they shall be exempt from all taxation by said state or by any county, city or other subdivision of said state, and shall be a legal investment for savings banks, trust companies, executors and trustees. Said bonds shall be in substantially the following form and contain substantially the following provisions:

## STATE OF NEW YORK

### County of Westchester.

#### Sanitary Sewer District Bond.

Number..... \$1,000

Know all men by these presents—That the county of Westchester, a municipal corporation in the state of New York, hereby promises to pay to bearer one thousand dollars (\$1,000) on the first day of January, 19 , with interest thereon at the rate of per centum per annum, payable semi-annually January 1 and July 1, upon the presentation of the coupons hereto attached as they severally become due, both principal and interest payable in gold coin of the United States of the present standard weight and fineness at bank in the city and state of New York, and payable only out of the taxes levied and collected or to be levied and collected from the taxable property within the Bronx valley sanitary sewer district as constituted by an act of the legislature of the state of New York, approved 1905, entitled



This bond is issued under and pursuant to the provisions of said act of the legislature of the state of New York, approved the                      day of                      1905, for the purposes provided in the said act, and is payable as provided in said act. The full faith and credit of the county is pledged to the full performance of all of its duties under the said act, including among other things the levy and collection of taxes within the said district for the payment of the principal and interest of the said bonds as they respectively become due; but the said county is under no further or other liability in respect of this bond. This bond, by the law under which it is issued, is exempt from all taxation by the said state or by any county, city or any subdivision of said state, and it is a legal investment for savings banks, trust companies, executors and trustees.

It is hereby certified, recited and declared that all things required to exist, happen and be performed precedent to and in the issuing of this bond have existed, happened and been performed, in due form and manner as required by law, and that the amount of this bond does not exceed any limit prescribed by the said act or by the constitution or statutes of said state.

This bond may be registered as to both principal and interest upon presentation to the county treasurer, who shall upon such registration cut off and cancel the unmatured coupons on this bond, and write the name of the registered owner in the blank on the back of this bond, and also the signature of the said county treasurer, and thereafter the principal and interest will be paid only to such registered owner. And this bond shall be transferable thereafter only on the books of the treasurer of said county, on the presentation of this bond, together with a transfer thereof, duly executed by the registered owner in person or by attorney.

In witness whereof the said county of Westchester has caused this bond to be signed by the chairman of its board of supervisors and its county treasurer and its corporate seal to be hereto affixed, attested by the clerk of the said board of supervisors, and the coupons hereto attached to bear the engraved or lithographed



signature of the treasurer of said county, and this bond to be dated the first day of January,

.....  
Chairman of the board of supervisors.

.....  
Treasurer of the county of Westchester.

Attest:

.....  
Clerk of the board of supervisors.

(Form of Coupon.)

On the first day of July, January, the county of Westchester, state of New York, will pay to bearer at..... bank in the city and state of New York..... dollars (\$.....) in gold coin of the United States of the present standard weight and fineness, being six months' interest then due on sanitary sewer district bond, dated January 1, 19..... number ..... said interest being payable only out of the taxes levied on the taxable property within said district, as provided by the law under which said bond is issued.

.....  
County treasurer.

(Form of Registration.)

| Date of<br>Registration. | Name of Regis-<br>tered Owner. | County<br>Treasurer |
|--------------------------|--------------------------------|---------------------|
|--------------------------|--------------------------------|---------------------|

And for the purpose of raising money to meet said bonds and the interest thereon, and for the maintenance of said sewer after construction, the supervisors of the county of Westchester shall annually, at the time the general tax levy is made, levy upon the real estate in each municipality within the area described and set forth in the maps and plans filed under section two hereunder the proportion in which the assessed valuation of the real estate within such area bears to the assessed valuation of the entire property shown and laid

out on the maps aforesaid. An the local authorities of each municipality shall assess such amount pro rata on the real estate within the area benefited shown on the plans and maps aforesaid, within each municipality, based on the assessed valuation of real property within such area; and said local assessment shall be subject to a hearing and grievance day, as other assessments in such municipality, and the said taxes so levied shall be collected in the same manner as other taxes are levied and collected in said towns and cities and villages, and such levy, assessment or proportionate part shall be a like lien as general taxes until the amount thereof is paid to the treasurer of the county of Westchester, and the county of Westchester is hereby authorized and directed, in case of the refusal or neglect to pay into said treasury within the time required by law, an amount sufficient to meet such levy, assessment or proportionate part of the interest and principal of such bonds, and the cost of maintenance, to issue a certificate of indebtedness as in this act provided. The board of supervisors, at their annual meetings, after the commission created hereunder shall cease to exist, shall examine the assessment roll of the several towns and cities lying within said sewerage area for the purpose of ascertaining whether the valuations of the real estate lying within the area in one town or city bear a just relation to the valuation of the real estate lying within the sewerage area in all the towns and cities in said county within said sewerage district, and they may increase or diminish the aggregate valuations of real estate in such sewerage area in each town or city by adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of such real estate within said sewerage area, but they shall in no instance reduce the aggregate valuation of all the lands in said sewerage area below the aggregate valuations thereof made by the local assessors. Whenever the common council of the city of Mount Vernon shall by petition, filed with the commissioners appointed under this act, or their successors, or the board of supervisors of the county of Westchester, ask to have the use of said sanitary trunk sewer or said outlet sewer for such other portion of the city of Mount Vernon as is now sewered to Eastchester creek, through Mount Vernon's easterly outlet sewer, and not included in the sewerage area of the

Bronx river, said commissioners, their successors, or the board of supervisors, as the case may be, are hereby authorized and directed to permit such additional territory within the city of Mount Vernon to sewer into said sanitary or outlet sewer, any lands of the said city of Mount Vernon lying outside of the natural sewerage area of the Bronx river within such limitation. Any lands of each town and city in the Bronx river valley outside the natural sewerage area of the Bronx river which may become connected with the sanitary trunk sewer in said valley or with said outlet sewer from the Bronx valley to the Hudson river, or have the use thereof for sewerage shall be included in the sewerage area of such town or city as lands benefited by said sewerage system and be subject to levy and assessment as provided in this act, and subject to such terms and conditions as may be made by said commissioners or their successors in office. But no land heretofore directly assessed for public sewers built by the city of Yonkers, shall be so included as lands benefited by the sewerage system to be constructed under this act. In determining the proportion of expense to be paid by the city of Mount Vernon for the use of said sanitary or outlet sewer, for sewerage any lands within said city outside of the natural sewerage area of the Bronx river as shown and laid out on the map of said district, approved under section two of this act, there shall be deducted from the proportion which the city of Mount Vernon, or the new territory would otherwise pay therefor under the provisions of this act, the cost for erecting and constructing a suitable tunnel, or pumping station and trunk sewer, to be used for carrying the sewerage from said lands outside of said sewerage area shown on said map, from the outlet sewer provided therefor near Hutchinson's river in the city of Mount Vernon to the point of connecting with said sanitary or outlet sewer. The county treasurer of the county of Westchester is authorized, empowered and directed, during the construction of said sewers by the sewer commissioners, and until the same are completed, upon the demands of the said commissioners hereunder to make temporary loans and issue temporary certificates for the purpose of paying for the construction of said sewers, and all incidental expenses connected therewith, to carry out the provisions of this act; said certificates of indebtedness to be duly signed by the chairman of the board of super-

visors and the county treasurer of said county. Said certificates to be payable on or before the completion of the work hereunder and to be included within the amount of bonds herein prescribed; and said certificates shall not bear interest at a rate to exceed six per centum per annum. Said temporary certificates of indebtedness shall be payable only out of the proceeds of sale of bonds, or be payable only out of taxes levied and collected or to be levied and collected from the taxable property within the sewerage district as constituted by this act. To the end that the interest and principal of said bonds shall be promptly paid when due, it shall be the duty of the board of supervisors of said county to make the said annual levies, as in this act provided in an amount sufficient, making reasonable allowance for delinquencies and failures to collect, to meet the said interest and principal promptly when the same respectively fall due; and if when any installment of interest or principal falls due there shall not be sufficient moneys in the hands of the county treasurer from the said levies to pay such installment of interest or principal, then any amount necessary to make such payment and prevent any default shall be temporarily advanced by the said county treasurer out of any general funds of said county, or the board of supervisors of the county may issue temporary certificates of indebtedness, which advances from the general funds of the county or which certificates of indebtedness shall be payable only out of taxes levied in the manner provided in this act upon the real property within the said sewer district, and shall be so payable out of the first moneys thereafter collected from the taxes levied on the real property in such sewer district. Said certificates of indebtedness may be in such form and bear such rates of interest not exceeding six per centum as may be provided by the board of supervisors. Matured coupons of bonds issued under this act shall be receivable for any of the taxes levied under the provisions of this act. Any of the duties which this act prescribes to be performed or discharged by the sewer commissioners or supervisors or treasurer of the county, or any officers of said towns and cities, may at the instance of any taxpayer, holder of bonds or coupons, or other creditor or person interested, be enforced by mandamus or by proceedings in equity.

if the latter proceedings shall be more appropriate, speedy or effective; and if the said sewer commissioners, supervisors, or treasurer, or other officers, fail, neglect or refuse to perform any duty prescribed by this act or ordered by any court, such court, in addition to the ordinary remedy by attachment or punishment for contempt or otherwise, may appoint its own officers or other persons to perform and discharge such duty; and any wilful failure of the board of supervisors, sewer commissioners, treasurer or such other officers, to perform the duties prescribed by this act shall be deemed a misdemeanor and punishable as such.

§ 15. All work hereby authorized to be done, and all materials hereby authorized to be furnished, involving an expenditure of over one thousand dollars, shall be procured by contract made in the manner required by and pursuant to the provisions of this act. The said sewer commissioners, however, may without contract, cause such additional surveys to be made, and such maps, plans, soundings and estimates to be prepared, as shall, in their opinion, be necessary to carry out the provisions of this act, and may appoint and fix the compensation of suitable engineers, and other persons to supervise and inspect all work hereby authorized to be done, and employ such counsel as may be necessary; and a secretary at a salary not to exceed one thousand five hundred dollars per annum.

§ 16. The said sewer commissioners and their successors are hereby required to build and construct such highways and bridges as may be made necessary by the construction of said sewers, or by acquiring of lands for the purpose of preventing the pollution of any stream running into or through or emptying into said valley or as may be made necessary in carrying out the provisions of this act.

§ 17. The said sewer commissioners shall, in every calendar month, file in the office of the county treasurer of the county of Westchester, an account of all expenditures made by them or under their authority, and all liabilities incurred by them during the preceding month.

§ 18. The said sewer commissioners are hereby authorized and empowered to provide suitable offices and conveniences for



the transaction of the business of the commission, and to provide proper and needful furniture and safes for the safekeeping of its documents.

§ 19. After the completion of the sewers contemplated by the provisions of this act, the same shall be under the supervision and control of a superintendent, who shall be known and designated as superintendent of the bronx river valley sewers, who shall be appointed by the board of supervisors of Westchester county, and who shall receive as compensation an annual salary not to exceed one thousand dollars. Said superintendent shall make necessary repairs, from time to time, upon the sewers, but not more than one thousand dollars shall be expended without special authority from the board of supervisors. and said board are hereby authorized and directed to compel and take such means as may be necessary to compel towns, villages and cities on the line thereof to connect with said sewers, upon written request of the local board of health; and the board of supervisors are hereby authorized and directed to make such ordinances, rules and regulations as to making connections with said sewers as may be necessary to compel and enable cities, villages and towns to connect with them and to exclude therefrom all surface drainage except sewage, and to impose such fines and penalties as may be necessary and proper to prevent the pollution of any stream or streams running through said valleys; and the cost and expense of the enforcement of such ordinances, rules, regulations and penalties together with the salaries of such superintendent, and the cost of the maintenance shall be a charge in the manner aforesaid upon the real property within the said sewer district.

§ 20. At the completion of the sewers and the end of the term of office of the commissioners hereunder, all books, papers and contracts shall be turned over to the county treasurer of Westchester county and remain on file in his office, and thereafter said sewers so constructed shall be in the control of the board of supervisors of Westchester county, and they shall have power annually to assess the proportionate cost of the maintenance of the said sewers upon real estate within the sewer district in the

manner herein prescribed, as to assessing the cost of the sewer itself.

§ 21. No proceedings for the issuance of said bonds, certificates of indebtedness, or for the levy and collection of taxes, shall be required under the provisions of any other statute of this state; but this provision shall not be construed to prevent the resort to the provisions of any statute with respect to the levy and collection of taxes and with respect to any and all other proceedings which may be proper for the purposes of this act. If any section, part, provision, or clause in this act shall for any reason be held invalid, such invalidity shall not affect the validity of any other section, part, provision or clause of this act.

§ 22. This act shall take effect immediately.

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(No. 7.)

AN ACT to amend chapter three hundred sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," generally.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section forty-three of title four of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended by chapter six hundred and fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 43. Control of finances.—The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the city, except as otherwise provided by this act, or by any other provision of law not inconsistent therewith, and shall have the power to contract, for a term of not exceeding five years, with any person, persons or corporation to furnish light for the city by means of electricity, gas or other approved system. The common council shall have the management and control of the sinking fund raised for the payment of bonds of the city of Geneva, and shall direct the invest-

ment and reinvestment thereof. The common council may invest the moneys belonging to such fund in any securities allowed by law to savings banks of this state at the time of such investment and subject to the same restrictions and limitations, and, for the purpose of investing said fund, may purchase or subscribe for bonds of the city of Geneva, and hold the same as other investments. All bonds so purchased by the city shall have plainly written or printed thereon, when purchased, the following words, namely: Purchased by the city of Geneva not transferable except by resolution of the common council. Whenever it shall be necessary for the common council to borrow money for any of the purposes mentioned in sections one hundred forty-one, one hundred forty-four or sixty-five-a of this act, the common council may cause any moneys then in said sinking fund, or, upon obtaining the consent of the board of public works, any unemployed funds held in reserve by the city as a guaranty for the performance of contracts for public improvements, to be applied to the purposes for which said loans are authorized until such time as necessary funds shall have been raised by taxation or the issue and sale of bonds as in said sections provided, at which time the amounts so withdrawn shall be returned to the respective funds from which they were transferred. Nothing herein contained shall be construed to permit the use of such guaranty funds beyond the period at which they become due on the contracts under which they were retained.

§ 2. Section forty-four of said act, as amended by chapter six hundred fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 44. Penalties for violation of ordinances.—In any and all ordinances, rules and regulations ordained or adopted by the common council, except as otherwise provided in this act, said council may prescribe for every violation thereof by imposing a penalty of not exceeding fifty dollars or by a fine not exceeding fifty dollars and imprisonment in the county jail of Ontario county until such fine be paid, not exceeding one day for each dollar of the fine imposed.

Fire limits.—The common council shall have power by ordinance or resolution, to prescribe limits in the city within

which wooden buildings shall not be constructed, removed, added to or enlarged without permission of said common council given by the votes of two-thirds of all the members elected thereto, and to alter and extend such limits from time to time, and to direct that any or all buildings and partition walls within such limits shall be constructed of stone, brick or iron, with fireproof roofs, on such buildings, and to prohibit the repairing or rebuilding of wooden buildings within such limits whenever they shall be damaged by fire to the extent of fifty per centum of their value, such damages to be determined by the board of fire commissioners, and upon the trial for violations of such ordinance or resolution, the records of the board of fire commissioners shall be evidence of such determination. The common council shall also have power, by ordinance or resolution, whenever it shall determine that public safety and protection against fire so requires, to compel the removal and regulate the erection and maintenance of all telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity and the poles connected therewith, in any place within the corporate limits of the city of Geneva. For violations of such ordinances or resolutions made pursuant to the provisions of this section the common council may prescribe penalties and fines to the amount of two hundred and fifty dollars, and imprisonment in the county jail not exceeding one hundred days; and that such penalties, fines and imprisonment may be again imposed in case of continuing the building and repairing in such ordinances or resolutions prohibited. And the common council shall also have the power to pass such ordinances for the government and discipline of the fire department as the board of fire commissioners may request. The term "wooden buildings" as used in this section shall be construed to include wooden buildings covered with corrugated iron or other metal.

§ 3. Subdivision number ten of section fifty-eight of said act, as amended by chapter four hundred five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 10. Conduits.—[To construct conduits for carrying telegraph, telephone or electric light wires or cables or other appli-

ances for conducting electricity on any street or section of a street, then to be paved, repaved or repaired, and the expense thereof shall be paid out of the highway fund, in the same manner as other expenses for local improvements are paid, and may be raised in like manner. Whenever the board of public works of the city of Geneva shall by resolution determine that public safety requires the removal of telegraph or electric wires or cables or electric feed cables of any street railway company or other appliances for conducting electricity, and the poles thereof heretofore erected in Seneca street, Linden street and Exchange street within one-half a mile from the intersection of Seneca street with Exchange street in said city, it shall have power by an ordinance or resolution to require any company or corporation or individual to remove these wires and electrical conductors from overhead in the street, and place them in conduits under the surface of the streets in such manner as shall be directed by the said board of public works and subject to such regulations and restrictions as such board may make and impose in respect thereto, for the benefit of the public, the city or its citizens, and a compliance with such ordinance or resolution in respect to the removal of the poles, wires, cables or other appliances for the conducting of electricity through said streets, may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. And if the said board of public works shall construct conduits for the reception of wires and electrical conductors as hereinbefore provided under Seneca street, Linden street, or Exchange street in said city, within one-half mile from the intersection of Seneca street with Exchange street, the said resolution or ordinance shall require the wires and electrical conductors on said street or section of a street to be placed within the said conduits constructed as aforesaid, and such proportion of the expense of the construction of said conduits shall be paid by the company, corporation or individual using the same, as the common council shall by resolution determine, and the amount of said expense, certified by the common council shall be paid to the city treasurer, and by him placed in the highway fund. If any company or corporation or individual shall refuse or neglect to pay the amount so apportioned by the said common council upon demand of the city treasurer,



the city may sue for the same and recover the amount thereof in any court of competent jurisdiction as and for moneys had and received. Nothing herein contained shall be construed as authorizing the board of public works to require that any particular patent or appliance shall be used in the construction of the conduits. To construct conduits for carrying telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity in any street, section of a street or place within said city, and the expense thereof shall be paid out of the highway fund. If there shall not be sufficient money in the highway fund for that purpose, and to meet the necessary street expenses until taxes for the next year are paid in, the board of public works shall report the deficiency to the common council, which shall borrow the necessary amount and pay it into the highway fund, and include it in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of such tax. But the common council may, in its discretion, instead of including the amount in the next tax levy, issue bonds for the amount so borrowed, or any part thereof, in such amounts and for such times as it shall deem advisable. Any bonds, however, so issued shall not be sold for a sum less than the par value thereof, and shall bear interest at a rate not exceeding five per centum per annum, and the provisions of section one hundred and eleven of title twelve of this act shall apply as to the payment of the principal and interest of said bonds. Whenever the board of public works shall by resolution determine that public safety requires the removal of telegraph or electric wires or cables, or electric feed cables of any street railway company or other appliances for conducting electricity or the poles connected therewith from any street or public place in said city, it shall have power, by ordinance or resolution, to require any company, corporation or individual to take down and remove the same and place all such wires, cables and appliances for conducting electricity in conduits under the surface of the ground, in such manner as shall be directed by the said board of public works and subject to such regulations and restrictions as such board may make and impose in respect thereto for the benefit of the public, the city or its citizens, and compliance with such ordinance or

resolution may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. Any company, corporation or individual using any such conduit shall be charged for the space occupied therein a reasonable rental to be fixed by the board of public works and the amounts so charged shall be paid to the city treasurer and by him placed in the highway fund. If any company, corporation or individual shall refuse or neglect to pay the amount of such rental at such time and in such manner as the board of public works may direct, the city may sue for the same and recover the amount thereof in any court of competent jurisdiction. Nothing herein contained shall be construed as authorizing the board of public works to require that any particular patent or appliance shall be used in the construction of any such conduits.

§ 4. Section sixty-one of said act is hereby amended to read as follows:

§ 61. Highway, park, water and sewer funds.—The amount raised to defray the expenses of maintaining, repairing, paving and cleaning the streets, public places and public squares, and, except as otherwise provided in this act, for the laying out and alteration of streets, shall be kept in a separate fund, to be called the highway fund. The amount raised for the ornamentation, maintenance and improvement of the public works shall be kept in a separate fund, which shall be called the park fund. The amount raised for the maintenance and repair of the water works [and sewers] and for the construction and extension thereof, except as otherwise provided in this act, and, also, all sums received from water rates, shall be kept in a separate fund to be called the water fund. The amount raised for the construction, extension and maintenance of the sewers shall be kept in a separate fund, to be called the sewer fund.

§ 5. Section sixty-two of said act, as amended by chapter two hundred ninety-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 62. Control and payment of fund.—The highway fund, sewer fund, and the water fund shall be under the control of the board of public works; shall be paid out by the city treasurer only upon warrants drawn by the said board upon the treasurer and

signed by the president of the board of public works and the superintendent of public works, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and from what fund it is to be made, with a reference to the resolution authorizing the payment and specifying the date thereof.

§ 6. Title five of said act is hereby amended by adding thereto a new section known as section sixty-five-a, to read as follows:

§ 65-a. Sewers; construction and extension.—Whenever the board of public works shall contemplate the building or extension of any sewer within the city, it shall require the superintendent of public works to cause plans of the construction and estimates of the cost thereof to be prepared, which plans and estimates shall remain on file in the office of the board. It shall then publish a notice in one or more newspapers of the city once a week for two weeks of the time when it will hear all persons interested in the construction of the sewer, and such notice shall contain a brief description of the character, location and extent of the proposed improvement. After such hearing the board shall determine whether the contemplated sewer shall be constructed; and in case it shall determine that the same shall be constructed, it shall record an order to that effect in its minutes and shall immediately thereafter transmit to the common council copies of such order, plans and estimates. If the common council shall by resolution authorize the expenditure proposed, the board of public works shall cause such improvement to be made and any expenses incurred in the construction or extension of any such sewer shall be a charge upon the city of Geneva. The amount of any expense so incurred shall be paid out of the sewer fund, and if there shall not be sufficient money in said fund for that purpose and to meet the necessary sewer expenses until taxes for the next year are paid in, the board of public works shall report the deficiency to the common council. The common council shall thereupon borrow the necessary amount and pay it into the sewer fund and include it in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of such tax. But the common coun-

city may, in its discretion, instead of including the amount so borrowed in the next tax levy, issue bonds for the amounts so borrowed, or any part thereof, in such amounts and for such time as it shall deem advisable. Any bonds, however, so issued, shall not be sold for a sum less than the par value thereof and shall bear interest at a rate not exceeding five per centum per annum. Said bonds shall be sold under the direction of the common council of said city and the same procedure shall be had with respect to such sales, as near as may be, as on the sale of bonds issued on account of street improvements under title thirteen of this act. The provisions of section one hundred and eleven of title twelve of this act shall apply as to the payment of the principal and interest on said bonds. All moneys realized from the sale of bonds shall be paid into the sewer fund and paid out only for the purposes for which the expenditure was authorized. Nothing herein contained shall be deemed to repeal any existing provision of law with respect to the building of lateral sewers for the convenience of private property or the expense of the construction thereof.

§ 7. Section seventy of said act is hereby amended to read as follows:

§ 70. Enforcement of rules.—The said board shall have power, and it shall be its duty to enforce all lawful rules, ordinances and regulations made by the common council with regard to fire limits, so called, and the erection or maintenance of buildings within such limits, and said board shall have power and it shall be its duty to enforce all lawful rules, ordinances, resolutions and regulations made by the common council in regard to the erection, maintenance or removal of telegraph, telephone or electric light wires or cables or other appliances for conducting electricity or poles connected therewith.

§ 8. Section one hundred and two of said act, as amended by chapter six hundred and fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 102. Jurisdiction in criminal cases.—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for or on account of offenses committed or charged to have been committed within the city, shall have all

the jurisdiction and authority which a justice of the peace of a town would have if such offense were committed or charged to have been committed in the town, including bastardy proceedings. The city judge shall have all the power and jurisdiction in proceedings respecting bastardy conferred upon one or more magistrates by chapter one of title five of the code of criminal procedure, and, it shall not be necessary for the city judge to associate with himself another magistrate in such proceedings. And the city court shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions, except as herein otherwise provided, and upon a conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. The city judge and the city court shall also have jurisdiction to try and determine all questions of violation of any and all city ordinances, rules and regulations and upon conviction to impose the punishment provided by law. All persons who shall be intoxicated in any street, park, alley or public place in said city, and all persons who shall, by noisy, tumultuous or riotous conduct, disturb the people; and all persons who shall have incited or induced dogs to fight, or be engaged in inciting and causing them to fight, in any street or public place in the city; and all persons who shall fight on any street or public place in the city; and all persons who shall blow horns, halloaing, or otherwise making loud noises, tending to disturb the quiet of the people without just cause; and all persons who shall break or injure any apparatus connected with the public lighting, fire alarm, or telephone system or systems within the city, or shall wilfully, and for the purpose of disturbance or mischief, give or create any false alarm of fire, or remove from or pile up before any door, boxes, casks or other things for the purpose of annoyance and mischief; and all persons who shall wilfully throw ink, or other liquid, or any missile in, upon or against any building of the city, or through any window thereof; and any person who shall wilfully break, injure or deface any fence, trees, shrubbery or other property of the city, are hereby declared disorderly per-



sons, and are guilty of a misdemeanor. The city judge and the city court shall have the power in cases of persons brought before him charged with intoxication in any street or public place in said city, to proceed summarily and without a jury, to try said persons, and if found guilty, to punish them as provided by law. Any female of, or over the age of sixteen years, who frequents a house of ill-fame or assignation, or a disorderly house of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene, or incestuous purpose, is guilty of a misdemeanor.

§ 9. Section one hundred and seventeen of said act is hereby amended to read as follows:

§ 117. Fees for collection.—All taxes or assessments paid within thirty days after the first publication of the treasurer's notice shall be payable without fee, percentage or interest thereon. [On all taxes or assessments remaining unpaid after the expiration of such thirty days the treasurer shall collect five per centum additional, and all remaining unpaid after the expiration of sixty days from such publication shall bear, and there shall be collected thereon, in addition to said five per centum, interest at the rate of one per centum per month from the expiration of said sixty days, which percentage and interest shall belong to the city.] On all taxes or assessments remaining unpaid after expiration of such thirty days, the treasurer shall collect one per centum additional, and all taxes and assessments remaining unpaid after the expiration of ninety days, from such first publication shall bear, and there shall be collected thereon, in addition thereto one per centum per month from the expiration of said ninety days, which percentage shall belong to the city.

§ 10. Section one hundred and twenty-four of said act, as amended by chapter two hundred ninety-six of the laws of nineteen hundred one, is hereby amended to read as follows:

§ 124. Return of unpaid taxes.—On or before the fifteenth day of [June] August next after any tax shall have been imposed upon any real estate in said city, the treasurer shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid and it shall be the duty of the assessors on or before the fifteenth day of [July] September thereafter, to

make and deliver to the treasurer a statement containing a brief, general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officers to make and include in said statement a corrected assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had been originally correct.

§ 11. Section one hundred and twenty-five of said act is hereby amended to read as follows:

§ 125. Sale of land for taxes.—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of [August] October, the treasurer shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 12. Section one hundred and twenty-six of said act is hereby amended to read as follows:

§ 126. Notice of sale.—The treasurer shall, immediately after the said first day of October, cause to be published once a week for [two] six successive weeks, in one or more newspapers published in the city, a list or statement of the parcels of land charged with any unpaid tax, penalty or interest, describing each parcel according to the descriptions required by the last section, with a notice that each of the said parcels of land, will, on a day within ten days after the expiration of said six weeks, to be specified in said notice, be sold at public auction at a place in the city therein specified, to discharge the tax, penalty or interest and expenses aforesaid, which shall be due thereon, at the time of sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. On the day and at the place stated in said notice the treasurer shall commence the sale of said parcels of land, and shall continue the sale from day to day until [all shall be disposed of] the same shall all have been sold.

§ 13. This act shall take effect immediately.

(No. 8.)

An act to amend the charter of the city of Hudson, generally.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section five in title two of chapter seven hundred and fifty-one, laws of eighteen hundred and ninety five, entitled: "An act to revise and consolidate the several acts in relation to the city of Hudson; to revise the charter of said city; and to establish a city court therein and define its jurisdiction and powers," and the several acts amendatory thereof and supplemental thereto is hereby amended so as to read as follows:

§ 5. The officers of the city shall be a mayor, a recorder, a city treasurer, a city judge, three assessors, five members of the board of education, three commissioners of public works, three cemetery commissioners, three police commissioners, three commissioners of public charities, three fire commissioners, such members of the board of health and such members of the board of commissioners of excise, as are now or hereafter shall be provided for by law, a city clerk, a superintendent of public works, a superintendent of public schools, a cemetery superintendent, such number of policemen as the police commission shall determine, not exceeding nine, two marshals of the city court, a chief engineer of the fire department and two assistants, a sealer of weights and measures, commissioners of deeds and special policemen.

§ 2. Title five of said charter is hereby amended by adding thereto a section to be known as section nineteen-a, and to read as follows:

§ 19-a. The mayor shall appoint three fire commissioners on the first day of June, nineteen hundred and five, who shall hold office for one, two and three years respectively, as shall be determined by the mayor at the time of appointment, and annually thereafter on May first the mayor shall appoint one member of the fire commission who shall hold office for three years. The commission of public works shall fix the compensation of the superintendent of public works.

§ 3. Section twenty-three in title seven is hereby amended so as to read as follows:

§ 23. The members of the board of education, commissioners of public works, cemetery commissioners, police commissioners, commissioner of public charities and fire commissioners, shall before entering upon the duties of their respective offices respectively execute and file with the city clerk a bond to the city of Hudson in the sum of five thousand dollars, with sureties to be approved by the mayor and conditioned for the faithful discharge of their duties. Members of the board of health and of the board of commissioners of excise shall respectively execute such bonds as are or shall be required by law. Whenever by any provision of this act the several members of any board or commission are required to furnish a bond or bonds, none of the members of any board or commission shall be a surety or sureties upon the bond of any other member of any board or commission.

§ 4. Section forty in title ten is hereby amended so as to read as follows:

§ 40. The recorder shall, in case of the absence of the city judge, or his inability to act, possess all the jurisdiction and exercise all the powers and authority [in criminal cases] with which the city judge is invested, and all the powers and authority of the city judge in actions for the violation of ordinances, by-laws, resolutions, rules and regulations of the common council and of the boards and commissions of the city, and when such absence or inability to act shall continue for one whole day or more the recorder shall receive for the performance of such service the pro rata share of the salary of the city judge during the time he shall so execute such power.

§ 5. Section sixty-five in title eighteen is hereby amended so as to read as follows:

§ 65. Any violation of any ordinance ordained or adopted by said common council or by the commission of public works, and published as herein provided, or of any resolution under subdivision one of section sixty-two shall be punishable by a fine not exceeding twenty-five dollars, and by imprisonment until the same shall be paid, not exceeding one day for each dollar of the fine imposed. The city court shall have jurisdiction to try all such offenses. All fines and penalties received or collected under the provisions of this act shall be paid by the officers receiving or collecting the same to the city treasurer.

§ 6. Section seventy-nine in title twenty is hereby amended so as to read as follows:

§ 79. The common council is authorized and directed to raise by tax upon the property in the city annually as follows:

Subdivision 1. For the principal and interest of the bonded municipal debt the sum actually falling due within the ensuing year.

Subdivision 2. For the uses and purposes of the board of education a sum not exceeding [fifteen] twenty thousand dollars.

Subdivision 3. For the fiscal years to and including the fiscal year May first, nineteen hundred and five to May first, nineteen hundred and six, for the uses and purposes of the commission of public works a sum not exceeding eighteen thousand dollars, and for the fiscal years thereafter a sum not exceeding [eleven] twelve thousand five hundred dollars.

Subdivision 4. For the uses and purposes of the cemetery commission a sum not exceeding one thousand [five hundred] dollars.

Subdivision 5. For the uses and purposes of the police commission a sum not exceeding [six] seven thousand dollars.

Subdivision 6. For the uses and purposes of the commission of public charities a sum not exceeding [three thousand] twenty-five hundred dollars.

Subdivision 6-a. For the uses and purposes of the fire commission a sum not exceeding thirty-five hundred dollars.

Subdivision 7. For salary of the mayor, five hundred dollars; for salary of the city treasurer, twelve hundred dollars; for salary of the city judge, one thousand dollars; for salary of the city clerk, twelve hundred dollars; for salary of each assessor, five hundred dollars: [for salary of superintendent of public works, fifteen hundred dollars]: for salary of the cemetery superintendent, six hundred dollars.

Subdivision 8. [For the fiscal years to and including the fiscal year of May first, nineteen hundred and four, to May first, nineteen hundred and five], for lighting the streets, public places and public buildings of the city. [providing necessary apparatus and means for the prevention and extinguishment of fires], defraying the contingent expenses of the city, the expenses of public improvements proper to be done by the city and all other miscel-



laneous expenses of the city, its officers, boards or commissions, a sum not exceeding [twenty] ten thousand dollars [and for the fiscal years thereafter a sum not exceeding seventeen thousand dollars.]

Subdivision 9. On the first day of January, nineteen hundred and one, the city treasurer shall open an account to be known as the "fiscal year adjustment account," to which account he shall charge the following sums for the following purposes, to wit: The sum of twelve thousand two hundred and fifty dollars for the purpose of paying bonds of said city, which fall due between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of five thousand five hundred sixty-five dollars for the purpose of paying the interest which falls due between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one, on bonds of said city; the sum of two thousand three hundred dollars for the purpose of paying the salaries of city officials falling due between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of six thousand dollars for the uses and purposes of the commission of public works between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of four thousand eight hundred dollars for the uses and purposes of the board of education between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of two thousand dollars for the uses and purposes of the police commission between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of five hundred dollars for the uses and purposes of the cemetery commission between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; the sum of one thousand dollars for the uses and purposes of the commission of public charities between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one; and the sum of six thousand six hundred and sixty-six dollars and sixty-six cents for lighting the streets, public places and public buildings of the city, providing necessary

apparatus and means for the prevention and extinguishment of fires, defraying the contingent expenses of the city, the expense of public improvement proper to be done by the city, and all miscellaneous expenses of the city, its boards or commissions between the first day of January, nineteen hundred and one, and the first day of May, nineteen hundred and one, for which no provision is at present made by law. The common council is authorized and directed to raise by tax upon the property in the city annually, for a term of twenty years, beginning with the fiscal year beginning on the first day of May, nineteen hundred and one, and ending with the fiscal year ending on the thirtieth day of April, nineteen hundred and twenty-one, the sum of one thousand seven hundred and ninety-four dollars and thirty-eight cents, the same to be levied and collected in the same manner and at the same time that other taxes are levied and collected and to be annually appropriated by the common council, and by the city treasurer placed to the credit of said fiscal year adjustment account, there to remain until the expiration of said twenty years, for the purpose of paying and cancelling said aforementioned charges to said fiscal year adjustment account.

§ 7. Section ninety-five in title twenty-one is hereby amended so as to read as follows:

§ 95. All fees, percentages and interest moneys received by the treasurer [under the provisions of this act.] shall be [retained by him] paid into the city treasury, and shall belong to the city.

§ 8. Section one hundred and fifty-seven in title twenty-five is hereby amended so as to read as follows:

§ 157. Its duties shall be to supply the city with pure and wholesome water, to maintain and regulate that supply, to have exclusive care, custody and control of all the reservoirs, buildings, engines, pumps, hydrants, pipes, mains and all other things and property now owned and used or hereafter acquired and used by the city in connection with its water supply; to have exclusive charge, care, and control of the highways of the city which shall include each and all of the streets, places, alleys, squares, lanes and roadways in their full extent, and to main-

tain, repair and rebuild the same and the roadways, sidewalks, crosswalks, gutters, drains, bridges and culverts therein; to lay out, care for, ornament and improve the public parks and pleasure grounds; to exclusively control, care for, maintain and repair the public sewers and to have exclusive supervision, direction and control of the construction, maintenance and repair of any new sewers which the common council may order to be constructed; to have exclusive care, custody and control of the docks, slips, piers and wharves of the city, their maintenance and repair. And it shall have power to make rules and regulations and pass ordinances to promote the welfare, good order and safety of the inhabitants of the city in relation to the property and all other things under its care, custody and control in this section mentioned, and for the preservation and keeping in repair of the same. Such rules and regulations and ordinances shall be published and shall take effect in the manner provided by section two hundred of this act, and the city clerk shall enter in a book kept for such purposes a record of all such rules and regulations and ordinances. Such rules and regulations and ordinances shall be enforced in the same manner as is provided by this act for the enforcement of ordinances of the common council, and may be proved in any court in this state in the same manner provided by section sixty-seven of this act.

§ 9. Subdivision three of section one hundred and sixty-one in title twenty-five is hereby amended so as to read as follows:

Subdivision 3. To establish a scale of annual rents or fix the sum or sums of money to be paid by any person, firm or corporation within the limits of said city of Hudson, that may be permitted by said commission to use said water for purposes other than domestic. Said commission shall report all such leases and all sums so fixed by monthly reports to the city treasurer, who shall collect such rents or sum and sums of money fixed or agreed upon for the use of said water [semi-annually on May first and November first] monthly, and place the same to the credit of said commission for the purposes of this title. And to establish a scale of annual rents or fix the sum or sums of money or consideration to be paid by any person, firm or corporation without the limits of said city, that may be permitted by said commis-

sion to use said water for any purposes, and said commission is hereby empowered to permit the use of said water by such person, firm or corporation as in their discretion may seem best in the interests of said city, provided, however, that no agreement or contract shall be entered into for the use of water which shall extend for a period greater than twenty years, but the said city shall not in any event be liable in damages or otherwise to any such person, firm or corporation for any damages resulting either from a diminution or failure of the amount of water supplied or from any pollution or impurity of the same, or from any leakage or defect in the system of reservoirs, pipes and mains supplying said water. And the said commission of public works shall at all times have the right as against any such person, firm or corporation to shut off the supply of water whenever and for so long a time as in its judgment may be necessary. Said commission shall report all such leases and all sums so fixed by monthly report to the city treasurer, who shall collect such rents or sum and sums of money fixed or agreed upon for the use of the said water without the limits of said city [semi-annually on May first and November first] monthly, and the same shall, upon its receipt, be placed by said city treasurer to the credit of said commission to be used for the purpose of repairs, renewal, renewals or extension upon, or of, said water system. And the said city treasurer is hereby authorized upon the request of said commissioners to retain counsel and institute suits for the collection of said rents, within and without the city limits, in case the same are not paid after having been duly demanded, and such counsel is to be paid by the said commissioners.

§ 10. Section one hundred and seventy-three in title twenty-five is hereby amended so as to read as follows:

§ 173. The commission shall have power by resolution to require the owner or occupant of any lot or lots to make, lay, relay, repair, grade and regrade the sidewalk in front of, in the rear of, or on the side of, said lot or lots, and to curb and gutter adjoining the sidewalk, or to construct a culvert under the same, or to reset the curbing and relay the gutter and reconstruct the culvert, all with such material as it may prescribe therefor, under the direction of and on a grade to be established by said com-



mission, within a time to be fixed by it, which time shall not be less than thirty days from the time of the service of a copy of the resolution upon such owner, agent, occupant or person in possession. [When such copy cannot be served upon the owner personally it shall be deposited in the post-office in the city of Hudson, inclosed in a postpaid wrapper, addressed to such owner or owners at his or their last known place of residence; and if such lot be vacant, and the owner or agent is unknown, then such resolution shall be published in the official newspapers at least once a week for two successive weeks, and the time fixed shall commence to run from the day following the last publication of such resolution; and a record shall be made by the secretary of the time and manner of service and upon whom made, which record, or a copy thereof, certified by the secretary, shall be presumptive evidence of such service. In case the owner or occupant of the lot shall fail to comply with the requirements of such resolution, the commission shall cause the work to be done for and at the cost and expense of such owner or occupant. The commission shall keep an account in detail of such cost and expense and may sue for and recover the amount thereof from such owner or occupant, or his legal representatives, with interest and costs, and the said account shall be sufficient prima facie evidence to entitle the commission to recover in such action; and the amount of such work shall, from the time of the completion of the work, be and continue a lien on said lot or lots, and be entitled to preference over any other lien thereon until paid or otherwise satisfied.] The commission of public works shall cause to be served at least thirty days before the expiration of the time so specified for such work to be done, upon the owners of the lands adjoining such sidewalks, curbstones, gutter or culvert, so to be made as aforesaid, a copy of such resolution or ordinance, with a notice that if the same is not done within the specified time by the owner of the adjoining land, it will be done by said commission of public works at the expense of such owner. Such resolution or ordinance and notice and all notices in this section mentioned may be served upon such owner or owners, whether he be a resident or nonresident, in any of the following ways, namely: (1) By delivering a copy thereof to the owner person-



ally; or (2) by delivering a copy thereof to some member of his family of suitable age and discretion; or (3) by delivering a copy thereof to any person of suitable age and discretion residing with him; or (4) by delivering a copy thereof to his agent having charge of such property; or (5) by delivering a copy thereof to any occupant of such property of suitable age and discretion; or (6) by depositing a copy thereof in the post-office at Hudson, New York, securely closed in an envelope with the postage prepaid thereon, directed to such owner at his last known place of residence; or (7) by affixing a copy thereof upon a conspicuous part of the premises. An error in or the omission of the name of any owner or owners of the abutting property shall not vitiate or impair any proceeding or act under this section, provided service of such resolution or ordinance and notice has been made in any of the ways hereinbefore authorized. The officer making such service shall, in his affidavit of service, specify the mode of service employed by him. The commission of public works shall also, at least twenty days before the expiration of the time specified for such work to be done, cause a copy of such resolution or ordinance to be published at least once in the official paper or papers of the city. If there be two or more owners of any piece of property, service upon one of them shall be sufficient. Affidavits of the publication and service of such resolution or ordinance may be filed or recorded, or both, in the office of the clerk of said city, and the affidavits, or the records thereof, or a certified copy of either, shall, in all courts and places, actions and proceedings, be prima facie evidence of the facts therein stated. In case any such improvement, act or thing so required shall not be made, done or completed as required within the time specified, the commission of public works shall have the power to make, do or complete the same at a cost not exceeding the actual cost of labor and material for such proposed improvement, to which may be added not to exceed ten per centum thereof to cover the cost of the service and publication of the resolution, or ordinance, and notice, as provided by this section, and such other expenses, as the city may incur in making the proposed improvement. Whenever expenditures are made as above provided, the commission of public works shall cause to be served a notice of at least

ten days upon the owner of such property, stating that such expenditure has been made, its purposes and amount, and that at a specified time and place it will meet to make an assessment of the expenditures upon such land. The commission of public works shall meet at the time and place specified; it shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall assess upon the land the amount which it may deem just and reasonable not exceeding, in case of default, the amount stated in the notice, and not exceeding in any event the amount of actual benefit conferred upon or received by such property or the owner thereof, by reason of such improvement; and shall proceed to make a special assessment-roll in duplicate thereof, both of which are to be deemed originals against the delinquent owners and upon such adjoining land owned by them, assessing upon each parcel or lot of land the expense of the sidewalk, curbstones, gutter or culvert immediately adjoining it, and shall file the same, when completed, in the office of the said clerk, and such special assessment-roll, from the time of filing the same in the office of said clerk, shall be final and conclusive upon all persons interested in such real estate or affected thereby and the amount therein assessed shall be a lien upon the lands and premises adjoining which such improvements have been made, and be entitled to preference over any other liens thereon until paid or otherwise satisfied. If the amount so assessed be not paid within twenty days after such assessment, an action to recover the amount may be maintained by the commission of public works against the owner liable therefor, or one of such special assessment-rolls and a warrant for the collection of the taxes therein assessed, in form similar to a warrant for the collection of city taxes, shall be left with the city treasurer and he shall proceed to collect the same, with the same fees thereon and in the same manner, as nearly as may be, provided for the collection of the city taxes, as provided by title twenty-one of said act, in so far as the same is not inconsistent with the provisions of this amendment.

§ 11. Section one hundred and eighty-five in title twenty-seven is hereby amended so as to read as follows:

§ 185. The common council shall provide a suitable room in the city hall for the meetings of the commission. The commis-

sion thus constituted shall appoint the policemen and regulate and control the police of said city. The policemen and officers of the police force now in office shall continue to be policemen and officers until their successors are appointed, but subject to removal at any time by said commission. The police commission may immediately appoint from the policemen of the city a chief of police and one sergeant. The number of policemen, including the chief of police and sergeant, shall not exceed nine. The policemen shall receive for their services such compensation as shall be fixed by the commission, not exceeding in the case of chief of police, the sum of [seventy-five] ninety dollars per month; in the case of the sergeant, the sum of [sixty] seventy-five dollars per month; and for each patrolman not exceeding the sum of [fifty] sixty-five dollars per month. The compensation of such policemen shall not be increased, unless, by recommendation of the police commission, the common council shall authorize such increase by a vote of three-fourths of all the members thereof.

§ 12. Section one hundred and ninety-two in title twenty-eight is hereby amended so as to read as follows:

§ 192. The commission of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the State of New York, relating to overseers of the poor in towns, so far as the same are applicable and not inconsistent with this act. It shall have power to purchase provisions, stores, medicines and supplies to be by it distributed, and supplied to the deserving poor of the city. All such articles so purchased and used shall be sound, unadulterated and of good quality. It shall have power to employ a physician to render medical assistance to the deserving poor of the city. He shall receive a salary to be fixed by the said commission, which shall be paid out of the amount annually appropriated for the uses and purposes of the commission. It shall, from the amount raised by tax for its uses and purposes, pay to the Hudson city hospital, in each year, on account of the deserving poor of the city who may, while sick from time to time, receive maintenance, support, care and treatment in said hospital, the sum of one thousand dollars.

§ 13. Title thirty-one is hereby amended so as to read as follows :

### TITLE XXXI.

#### [FIRE DEPARTMENT.

§ 196. There shall be one chief engineer of the fire department, who shall hold his office for two years and be elected by the firemen of the city at such times and under such regulations as the common council may prescribe, subject to confirmation by said common council, and in case of a failure to elect or of a vacancy or a rejection the common council shall appoint. The chief and assistant engineers in office when this act takes effect shall serve during the term for which they were respectively elected and appointed. The chief engineer shall superintend the fire department. He shall have charge of the fire apparatus belonging to the city and keep the same in proper order, and he shall, from time to time, and when required, report to the common council the condition of the fire department and recommend any repairs or measures necessary to render it more efficient. The common council may allow the chief engineer an annual salary of not exceeding two hundred dollars as a compensation for his services. The chief engineer shall appoint first and second assistant engineers, who shall, under his direction, perform any services and exercise any control which are within the power and authority of the chief engineer in the operation of the department. In the absence of the chief engineer the first assistant engineer shall possess his powers and exercise his duties, and in the absence of the first assistant engineer the second assistant engineer shall possess his powers and exercise his duties. The common council may procure fire engines and other necessary and convenient apparatus for the prevention and extinguishment of fires and provide safe and convenient places for keeping the same; it shall have power to organize fire companies and to appoint a competent number of able-bodied and reputable inhabitants of the city firemen, to belong to such companies, and prescribe their duties and make rules and regulations for their government and impose reasonable penalties and forfeitures for a violation thereof. Such companies shall have the care and management of the apparatus for extinguishing fires, under the rules provided



by the common council, and the control of the chief engineer and his assistants. The common council shall have power to remove firemen and disband companies in its discretion, and to prescribe their duties. ]

#### FIRE COMMISSION.

• Section 196. The fire commission of the city of Hudson shall be composed of the fire commissioners, shall be a body corporate, and shall have power to sue and defend in all courts. The common council shall provide a suitable room in the city hall for the meetings of the commission. The fire department as now organized and constituted is hereby continued, and the same shall be maintained as a fire department of said city. The chief engineer and assistant engineers in office when this act takes effect shall serve during the term for which they were respectively elected and appointed. The fire commission may procure necessary wagons, trucks, carts, hose carriages, hooks and ladders, hose and other necessary and convenient apparatus for the prevention and extinguishment of fires, in addition to the wagons, trucks, carts, carriages, hooks and ladders, hose and other apparatus now belonging to the city of Hudson, and it shall maintain safe and convenient places and buildings for keeping the same, and shall repair and improve the same or any part thereof, and shall keep said buildings in repair, and shall maintain the fire alarm, and do all things necessary to equip, manage and control the fire department of the city. It shall have power to organize fire companies and appoint a competent number of able-bodied and reputable inhabitants of the city, firemen, to belong to such companies, and prescribe their duties and make rules and regulations for their government, and impose reasonable penalties and forfeitures for a violation thereof. Such rules and regulations shall be enforced in the same manner as is provided by this act for the enforcement of ordinances of the common council. Such companies shall have the care and management of the apparatus for extinguishing fires under the rules provided by the commission, and the control of the chief engineer and his assistants. The commission shall have power to prescribe the duties of foremen and companies and to remove firemen and disband companies in its discretion.



§ 196-a. There shall be one chief engineer of the fire department, who shall hold his office for two years, and be elected by the firemen of the city at such times and under such regulations as the common council may prescribe, subject to confirmation by said common council, and in case of a failure to elect or of a vacancy or a rejection, the common council shall appoint. The chief engineer shall superintend the fire department. He shall have charge of the fire apparatus belonging to the city and shall keep the same in proper order, and he shall, from time to time, and when required, report to the fire commission the condition of the fire department and recommend any repairs or measures necessary to render it more efficient. The commission may allow the chief engineer an annual salary of not exceeding two hundred dollars as a compensation for his services. The chief engineer shall appoint first and second assistant engineers, who shall, under his direction, perform any service and exercise any control which are within the power and authority of the chief engineer in the operation of the department. In the absence of the chief engineer the first assistant engineer shall possess his powers and exercise his duties, and in the absence of the first assistant engineer the second assistant engineer shall possess his powers and exercise his duties.

§ 196-b. Any officer or member of the fire department may be removed, expelled, suspended, censured or reprimanded by the fire commission for incapacity, neglect of duty, disobedience of orders, intoxication, insubordination, or other misconduct tending to destroy the efficiency and discipline of the department, upon five days' notice to show cause against such removal and an opportunity to be heard in his defense; and the commission shall have power to provide for the punishment of any member of the fire department for disorderly conduct, disobedience of orders or insubordination, by fine not exceeding fifty dollars, to be sued for and recovered in the name of the city and paid into the treasury and credited to the fund of the commission. It shall be the duty of firemen to promptly respond to every alarm of fire and be present and aid in the extinguishment thereof, and whenever ordered to do so by the mayor aid in the suppression of all riots or riotous assemblages in said city. The commission

may call out the fire department or any part thereof for inspection at such times as it may deem necessary and proper. Each membership of the fire department as now existing is hereby continued.

§ 196-c. Each member of the fire department, or any other person, who shall, at the time of any fire in said city, be guilty of insubordination or disorderly conduct, or shall attempt to obstruct the operations of the fire department, or incite insubordination therein, or shall neglect or refuse to obey, or attempt to prevent or obstruct the execution of orders of the chief engineer or his assistants, shall forfeit for each offense such penalty as may be prescribed by the ordinance of said city, not exceeding the sum of fifty dollars.

§ 196-d. The fire commission, for the purpose of guarding against calamities by fire, shall have, and it hereby is vested with the power to prescribe from time to time by ordinance, the limits in said city and the streets, alleys, and lanes thereof, within which either wooden buildings or buildings constructed of wood with brick or metal veneer, shall not be erected, placed, or repaired without the permission granted by resolution of said commission; and to prohibit and prevent the erection, placing or repairing of any such building or structure therein, and to compel the owner or occupants of any building, or other erection of any kind now within the city or hereafter within the city, which may be in a dangerous or unsafe condition, to render the same safe or take down and remove the same; and to direct and require that all or any buildings or structures within said city limits shall be made or constructed of stone, brick or metal, with partition walls of like material, and fireproof roofs and fire walls extending above said roofs and brick, stone or metallic cornices and eaves troughs, under such penalties as may be prescribed by said commission, not exceeding two hundred and fifty dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building or structure so erected, placed or repaired, in violation of such ordinance, shall be continued. All ordinances of the commission in respect to the construction and maintaining of buildings within the city shall be published and shall take effect in the manner provided by

section two hundred and seven of this act, and a record of such ordinance shall be made by the city clerk in the book to be kept for such purposes. Such ordinance shall be enforced in the same manner as is provided by this act for the enforcement of ordinances of the common council.

§ 196-e. Every building or other structure erected contrary to the provisions of the last section or contrary to the provisions of any ordinance made by the fire commission in pursuance thereof, is hereby declared to be a common nuisance, and may be abated and removed as such by and under the direction of said commission.

§ 196-f. The commission shall have power to regulate the construction of chimneys, flues, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when so considered dangerous; to prevent the deposit of ashes in unsafe places; to prevent all idle and suspicious persons from coming near to or in the vicinity of any conflagration and to compel any person or persons to aid in the extinguishment of the same, and in the preservation of property considered by said commission, or any member thereof, in danger of injury or destruction by fire; and generally, to establish such rules and regulations for the prevention and extinguishment of fire, as said commission may deem expedient.

§ 196-g. The mayor, aldermen, fire commissioners, policemen and chief engineer of the fire department, shall be fire wardens in said city, and shall possess all the powers and perform all the duties of fire wardens under this act. The fire wardens shall have power at all reasonable times and it shall be their duty to enter into and examine all the dwelling houses, outhouses, lots and yards in said city in the daytime; to inspect all places where fires are used; to ascertain how ashes are kept; to direct obedience to all rules, regulations and ordinances of the fire commission relating to the prevention of fire; and to report to the said commission all infractions thereof that are not forthwith corrected.

§ 196-h. The members of the fire department, while they continue to be such members, and those who have faithfully served as such for five years in the fire department of the city shall be

exempt from serving on juries in all cases. The names of each member of the fire department shall be registered with the city clerk, and the evidence to entitle him to an exemption while in service, provided in this section, shall be the certificate of the city clerk; and the evidence to entitle such person to exemption who shall have faithfully served for five years in the department as provided in this section shall be a certificate under the corporate seal, signed by the mayor and city clerk.

§ 196-i. The expenses incurred in procuring necessary wagons, trucks, carts, hose carriages, hooks and ladders, hose and other necessary and convenient apparatus for the prevention and extinguishment of fires and the keeping in repair of the buildings for the preservation thereof, the maintaining of the fire alarm, and the expenses attending the entire management and control of the fire department of the city, including the salary paid to the chief engineer, the contingent expenses of the commission and the department, furniture, lights, stationery, printing, advertising, and all other expenses of the commission and of the department, shall be paid by the treasurer of the city on the draft of the commission, not, however, in excess of the amount raised by tax for its uses and purposes in any year. The city clerk shall be the secretary of the fire commission.

§ 14. Title thirty-two is hereby amended by adding thereto three sections, to be known as sections two hundred-a, two hundred-b and two hundred-c, and to read as follows:

§ 200-a. All claims against the city for damages for injuries to the person or property, claimed to have been caused or sustained by defects, want of repair or obstructions from snow or ice or other causes, in the highways, streets, sidewalks or crosswalks of the city, or because of negligence of the city as to the highways, streets, sidewalks or crosswalks of the city, shall be presented to the common council, in writing, within one month after said injury is received. Such writing shall describe the time, place, cause and extent of the injury so far as then practicable, and shall be verified by the oath of the claimant. The omission to present said claim, as aforesaid, within one month shall be a bar to any claim or action therefor, against the city. The filing of such claim in writing with the city clerk shall be



deemed a presentation thereof to the common council, for the purpose of avoiding the limitation as to time within which to present such claim as provided for by this section.

§ 200-b. The city of Hudson shall not be liable for any damage or injury sustained by any person in consequence of any highway, street, sidewalk or crosswalk in said city being out of repair, unsafe, dangerous or obstructed by snow, ice or otherwise, or in any way or manner, unless actual notice of the defective, unsafe, dangerous or obstructed condition of any such highway, street, sidewalk or crosswalk shall have been given to the mayor, the city clerk or to the superintendent of public works of said city at least twenty-four hours previous to the happening of any such damage or injury.

§ 200-c. It shall in all cases, be the duty of the owner of every lot or piece of land in said city to keep his sidewalks adjoining his lot or piece of land in good repair, and to remove and clean away all snow and ice and other obstruction from such sidewalk.

§ 15. Section forty-three in title twelve is hereby amended so as to read as follows:

§ 43. The city treasurer shall be the custodian of all property and moneys which the city shall take by gift, bequest or devise, as provided in section one of this act; and all moneys which the city shall receive from any source whatever, and all moneys set apart by this act, or by any resolution of the common council for any board, commission or officer. He shall open and keep separate accounts with each of the same, and hold the same as city treasurer, to be disposed of as herein provided. All moneys raised, appropriated or provided for the board of education, commission of public works, cemetery commission, police commission, commissioner of public charities, fire commission, and all moneys which shall be received by the board of commissioners of excise, or which shall be raised, appropriated or provided for any board, commission or officer, shall be deposited with the city treasurer to the credit of the board, commission or the officer entitled to the same and separate and distinct from any other fund. He shall on May first, nineteen hundred and five, from the amount of money in his hands raised for the purpose of defraying the contingent expenses of the city, et cetera, set apart and deposit to the credit of the fire commission the sum of thirty-



five hundred dollars for the fiscal year commencing May first, nineteen hundred and five. When this act takes effect, the city treasurer shall immediately transfer to the credit of the board of education, the sum of two thousand dollars from the moneys then in the city treasury raised pursuant to subdivision eight of section seventy-nine of said charter, and the said board of education shall thereupon be at liberty to use the same for its uses and purposes during the fiscal year commencing May first, nineteen hundred and five. He shall only pay out said moneys upon drafts signed by the mayor and countersigned by the city clerk, to pay audits and allowances by the common council, and by the officer, or by the president of any board, or commission, entitled to draw the same, and countersigned by its secretary, but no such draft shall be drawn by or in behalf of any such officer, commission or board, except for the purpose of paying for services rendered, or materials furnished to said officer, commission or board, and after an audit and allowance of the amount found to be due therefor by said officer, commission or board. A certificate briefly stating the date and amount of the audit and character of the claim audited shall be embodied in the draft, and the city treasurer shall not pay any draft that does not contain such certificate properly filed. The city treasurer now in office shall forthwith prepare and furnish to the mayor and each officer, commission or board who shall have money on deposit with him, a uniform form of draft to be used by each of the same for the purposes herein provided, and no officer, commission or board shall use any other form of draft for the purpose of drawing funds from the city treasury. Such drafts so furnished to each of such officers, commissions or boards shall be numbered consecutively, be provided with stubs and bound in book form, and the stubs thereof filled in with the date, amount, purpose and payee named in the draft taken from each stub, respectively, shall be preserved by each such officer, commission or board, and new books of drafts shall be furnished to each thereof by the city treasurer as often as may be necessary. The expense of printing and binding the same shall be a city charge, to be audited and allowed by the common council, and paid out of the funds subject to the control of said common council. The moneys received by the

board of excise for and upon the granting of any license or licenses shall remain in the city treasury as part of the funds of the city to be used for general municipal purposes. It shall be the duty of the city treasurer to receive all county, city and local assessments, and to retain possession for at least three years, of the warrants and assessment rolls which may from time to time be delivered to him by the supervisors or city clerk.

§ 16. This act shall take effect immediately.

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(No. 9.)

AN ACT to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The mayor of the city of New York shall appoint three persons who shall be commissioners for the purposes hereinafter specified. The persons so to be appointed shall be public officers and shall constitute a board or commission to be called the board of water supply of the city of New York. Every member of this board shall during his term of office be a resident of the city of New York. One member of the board shall be appointed by the mayor, but he shall be one of three persons selected for the purpose by the governing body of the chamber of commerce of the city of New York. One member of the board shall be a civil engineer and shall also be appointed by the mayor, but he shall be one of three persons selected for the purpose by the governing body of the New York board of fire underwriters. One member of the board shall also be appointed by the mayor, but he shall be one of three persons selected for the purpose by the manufacturers' association of New York. The mayor shall have the power at any time to remove any member of the board, and in case of a

vacancy by removal, or for any cause, the successor of a member shall be appointed in the same manner in which his predecessor was appointed, so that at all times there shall be one member of the board selected by the governing body of the chamber of commerce, one member selected by the governing body of the New York board of fire underwriters, and one member selected by the manufacturers' association of New York. In case of the neglect or failure of either of the aforesaid organizations to take action in accordance with the provisions of this act and to make the selections of candidates within forty days after a written notification to do so by the mayor, the mayor of his own motion and in his discretion shall appoint, and the person so appointed shall be deemed to have been one of the persons selected as aforesaid by the said organizations and his successors shall be appointed accordingly. Each of the commissioners shall be entitled to receive a salary of twelve thousand dollars per year and shall hold no other federal, state or municipal office, except the office of notary public or commissioner of deeds. The board shall have the power to appoint a president from among its own members, and to adopt a seal and by-laws regulating the transaction of its business. The board shall also have power to select and appoint a secretary and such engineers, surveyors, draughtsmen, stenographers, clerks and employees as may be necessary, and to fix their compensation and in addition to the powers hereinafter specifically conferred shall have such further powers as may be requisite to the efficient performance of the duties imposed upon it by this act. All contracts and other papers to be executed pursuant to a resolution adopted by the board, may be executed in the name of the board and under its seal and attested by the signature of its president or secretary or of any member of the board duly authorized by resolution so to do. The corporation counsel of the city of New York shall be the attorney-at-law for, and legal adviser of, the board, and shall, upon its request, either personally, or through such of his assistants or other counsel as he may designate, furnish it with advice and aid, in a similar manner as he is required by law to do in the case of the departments, boards and officers of the city of New York.

§ 2. It shall be the duty of the board to proceed immediately and with all reasonable speed, to ascertain what sources exist and are most available, desirable and best for an additional supply of pure and wholesome water for the city of New York. The board shall make such surveys, maps, plans, specifications, estimates and investigations as it may deem proper in order to ascertain the facts as to the said sources and shall report to the board of estimate and apportionment with recommendations as to what action should in its opinion be taken with reference thereto, so that the board of water supply and the board of estimate and apportionment may be enabled to determine from what source or sources and in what manner the city of New York may best secure an additional supply of pure and wholesome water. It shall not be necessary that the project contemplated by this act shall be acted on by or under one report, or at one time, but it shall be lawful for the said boards to report upon, consider and determine the project in parts or sections from time to time as the said boards may deem fit so that the city may be able to obtain an additional supply of water from one or more sources before the whole additional supply contemplated may be obtained.

§ 3. The board of estimate and apportionment upon the receipt of the said report or reports of the board of water supply may adopt, modify or reject the whole or any part of the same, and may cause such surveys to be made and such further information to be obtained as it shall deem expedient to enable it to act intelligently in the premises. In case of the modification or rejection of the recommendations in said report or reports or any part thereof by the board of estimate and apportionment the board of water supply in like manner as aforesaid shall prepare and submit to the board of estimate and apportionment a further report or reports, surveys, maps, plans, specifications, estimates and investigations, and make such changes and modifications as shall seem proper to the board of estimate and apportionment and shall continue so to do under the direction of the board of estimate and apportionment until a map, plan or plans covering the entire work contemplated by this act shall be approved and adopted by the board of estimate and apportionment. The said map, plan or plans may be made and adopted in parts or sections from time to time and may be changed or modified either before



or after adoption as the board of estimate and apportionment may deem necessary for the more efficient carrying out of the provisions of this act. The board of estimate and apportionment prior to the adoption of such map, plan or plans or to a modification thereof, shall afford to all persons interested a reasonable opportunity to be heard respecting the same and shall give reasonable public notice of such hearings whereat testimony may be produced by the parties appearing in such manner as the board of estimate and apportionment may determine, and each member of the said board is hereby authorized to administer oaths and issue subpoenas in any proceeding pending before them under this act. Notice of such hearing shall be given in addition to the above provision by mailing to the chairman and clerk of the board of supervisors of the county where the real estate to be acquired is situated, a notice of such hearing at least eight days before the time named in said notice. A final map, plan or plans approved and adopted by the board of estimate and apportionment shall be executed in quadruplicate one of which shall remain on file with the clerk of the board of estimate and apportionment, one shall be placed on file in the office of the board of water supply, one, or a certified copy thereof, shall be filed in the county clerk's office or register's office of each county in which any of the land affected thereby is situated and one copy, or a certified copy thereof, shall be filed in the office of the commissioner of water supply, gas and electricity.

§ 4. The board of water supply, its agents, engineers, surveyors, and such other persons as may be necessary to enable it to perform its duties under this act, are hereby authorized to enter upon any land or water for the purpose of making surveys, examinations or investigations and preparing the maps, plans and reports contemplated by this act, and for the purpose of posting any notices that may be required to be published in like manner.

§ 5. After the approval, adoption and filing of a final map, plan or plans described in section three of this act, the board of water supply shall prepare and submit to the board of estimate and apportionment six similar maps or plans of the proposed sites of the proposed dams, reservoirs, aqueducts, sluices, culverts, canals, pumping works, bridges, tunnels, blowoffs, ventilating shafts, filters and other works of construction and the



appurtenances thereof. Upon those maps there shall be laid out and numbered the various parcels of real estate on, over or through which the same are to be constructed and maintained, or which may be necessary for the prosecution of the work authorized by this act. On said maps the natural and artificial division lines existing on the surface of the soil at the time of the survey shall be delineated, and there shall be plainly indicated thereon of which parcels the fee, and over or through which parcels the right to use and occupy the same in perpetuity, is to be acquired. The board of estimate and apportionment may adopt, modify or reject said maps in whole or in part, and require others to be made instead thereof. The said maps may be made and filed in sections. One or more sections may be determined before the maps of the whole construction are completed. The said sections shall be determined and decided upon previous to the appointment of the commissioners as hereinafter provided for, and shall be so determined that one set of commissioners shall not be appointed upon a section covering more property than can reasonably be passed upon and awards made by said commissioners within the limits of a year from the time of the filing of the oaths, as hereinafter provided. The proceedings hereinafter authorized may in like manner be taken separately in reference to one or more of such sections before the maps of the whole are filed. The work upon one or more of such sections may be begun before the maps of the remaining sections are filed. In case of such rejection the board of water supply shall in like manner as aforesaid prepare and submit others, until maps shall be approved by the board of estimate and apportionment covering the entire area required for the construction, maintenance and operation of such aqueducts, dams, reservoirs, culverts, sluices, canals, bridges, tunnels, pumping works, blow-offs, shafts, filters and appurtenances, according to the maps, plan or plans theretofore by the said board of estimate and apportionment approved. The maps when adopted by the said board of estimate and apportionment shall be by said board transmitted to the corporation counsel, with a certificate of such approval written thereon and signed by a majority of the board of estimate and apportionment.

§ 6. The corporation counsel of the city of New York shall

cause one of said maps described in the previous section or a certified copy thereof to be filed in the office of the clerk of each county in which any real estate laid out on said map shall be located except that in any county in which there is a register's office, the said map shall be filed therein instead of in the office of the county clerk. The other maps described in the previous section shall be disposed of in the manner indicated in succeeding sections of this act.

§ 7. After the said maps shall have been filed as provided for in the preceding section, the corporation counsel, for and on behalf of the city of New York, shall, upon first giving the notice required in the next section of this act, apply to the supreme court at any special term thereof to be held in the judicial district in which the lands or some part thereof shown on the said maps, the title to which it is proposed to acquire in the proceeding thus instituted, is situated, for the appointment of commissioners of appraisal. Upon such application he shall present to the court a petition signed and verified by one of the board of water supply duly authorized by the said board so to do, according to the practice of the court, setting forth the action theretofore taken by the board of water supply and by the board of estimate and apportionment, and the filing of such maps, and praying for the appointment of commissioners of appraisal. Such petition shall contain a general description of all the real estate to, in, or over which any title, interest, right or easement is sought to be acquired for the said city for the purposes of this act, each parcel being more particularly described by a reference to the number of said parcel as given on said maps, and the title, interest or easement sought to be acquired to, in or over such parcel whether a fee or otherwise, shall be stated in the petition.

§ 8. The corporation counsel shall give notice in the City Record, and in two public newspapers published in the city of New York, and in two public newspapers published in each other county in which any real estate laid out on said maps may be located, and which it is proposed to acquire in the proceeding, of his intention to make application to the said court for the appointment of commissioners of appraisal, which notice shall specify the time and place of such application, shall briefly state

the object of the applications, and shall describe the real estate sought to be taken or affected. A statement of the boundaries of the dams, reservoirs, sluices, culverts, canals, pumping works, bridges, tunnels, blow-offs, filters and ventilating shafts, and of the route of the tunnels and aqueducts by courses and distances, and of the greatest and least width of its tract, with separate enumerations of the numbers of the parcels to be taken in feet and of the numbers of the parcels in which an easement is to be acquired, with a reference to the dates and places of filing the said maps, shall be sufficient description of the real estate sought to be so taken or affected. Such notice shall be so published continuously in each issue of the newspapers for six weeks immediately previous to the presentation of such petition; and the corporation counsel shall in addition to the said advertisement, cause copies of the same in hand bills to be posted up, for the same space of time, in at least twenty conspicuous places on the line of the aqueduct or in the vicinity of the real estate so to be taken or affected.

§ 9. At the time and place mentioned in said notice, unless the said court shall adjourn such application to a subsequent day, and in that event at the time to which the same may be adjourned, the court, upon due proof to its satisfaction of the publication and posting aforesaid, and upon filing the said petition, shall make an order for the appointment of three disinterested and competent freeholders, at least one of whom shall reside in the county of New York and at least one of whom shall reside in the county or one of the counties in which the said real estate shall be situated, as commissioners of appraisal to ascertain and appraise the compensation to be made to the owners and all persons interested in the real estate laid down on said maps as proposed to be taken or affected for the purposes indicated in this act. Such order shall fix the time and place for the first meeting of the said commissioners.

§ 10. The said commissioners shall take and subscribe the oath or affirmation required by article thirteen of the constitution and shall forthwith file the same or a certified copy thereof in the office of the clerk of the county in which the land, or any part thereof is situated, and shall forthwith file certified copies of the said oath in the office of the clerk of the county of New York,

and in the register's office in any county in which there is a register's office and in which is situated any of the real estate sought to be taken or affected by the proceeding.

§ 11. On filing the said oath, in the manner provided in the previous section, the city of New York shall be and become seized in fee of all those parcels of real estate which are on the maps in the fifth section referred to described as parcels, of which it has been determined that the fee should be acquired; and may immediately or at any time or times thereafter take possession of the same or of any part or parts thereof without any suit or proceeding at law for that purpose; and the board of water supply of the city of New York, or any person or persons acting under their or its authority may enter upon and use and occupy in perpetuity all the parcels of real estate described in said map for the purpose of constructing and maintaining on, in, under, or over the same, the said aqueducts, dams and reservoirs, with the said blow-offs, sluices, culverts, bridges, tunnels, ventilating shafts, filters and other appurtenances, provided, however, that no buildings or improvements shall be removed or disturbed within one year from the date of the filing of the oaths of the commissioners unless notice is given to the owner of ten days, or to his attorney of the intention to make such removal, and affording him an opportunity to examine the property with the commissioners and such witnesses as he may desire. If the owner of the property can not be found with due diligence, and there is no attorney representing the said property or parcel, before removing, disturbing or destroying any of the buildings, or the improvements, the representative of the boards referred to in this act or of the corporation counsel shall cause measurements to be made of the buildings and photographs of the exterior views thereof, which measurements and photographs shall be at the disposition thereafter of the claimants, or their attorneys, in case such claimants or attorneys should appear and demand the same before the case is tried.

§ 12. Any one of said commissioners of appraisal may issue subpoenas and administer oaths to witnesses; and they or any one of them in the absence of the others may adjourn the proceedings from time to time in their discretion, but they shall continue to meet from time to time as may be necessary, to hear, consider and determine upon all claims which may be presented



to them under the provisions of this act. In case of the death, resignation, refusal or neglect to serve of any commissioner of appraisal, the remaining commissioner or commissioners, shall upon ten days notice to be given by advertisement in the newspapers designated as hereinbefore provided, apply to the supreme court at a special term thereof, to be held in the judicial district in which the land or any part thereof, title to which is to be acquired in the proceeding, is situated, for the appointment of one or more commissioners to fill the vacancy or vacancies so occasioned. In case of the death, resignation or refusal to serve of all the commissioners of appraisal, the corporation counsel, shall on giving the notice required in this section apply to the said court for the appointment of other commissioners of appraisal. It shall be the duty of the commissioners of appraisal to procure from the corporation counsel the fourth, fifth and sixth copies of the maps hereinbefore provided for. They shall view the real estate laid down on said maps and shall hear the proofs and allegations of any owner, lessee, or other person in any way entitled to or interested in said real estate or any part or parcel thereof and also such proofs and allegations as may be offered on behalf of the city of New York. They shall reduce the testimony, if any, taken before them, to writing, and after the testimony is closed, they or a majority of them, all having considered the same and having an opportunity to be present, shall without unnecessary delay, ascertain and determine the just and equitable compensation which ought justly to be made by the city of New York to the owners or the persons interested in the real estate sought to be acquired or affected by said proceedings including just and equitable compensation to the owner of any leasehold taken or affected in this proceeding. The said commissioners of appraisal shall make reports of their proceedings to the supreme court, as in the next section provided, with the minutes of the testimony taken by them, if any; and they shall be entitled to the payments hereinafter provided for their services and expenses to be paid from the fund hereinafter provided.

§ 13. The said commissioners shall prepare a report, and copies thereof as may be required, to which shall be respectively annexed the fourth and fifth, and if required, the sixth copies of the map or maps referred to in the previous sections of this act. The said



reports shall contain a brief description of the several parcels of real estate so acquired, taken or affected, with a reference to the map or maps as showing the exact location and boundaries of each parcel; a statement of the sum estimated and determined upon by them as a just and equitable compensation to be made by the city to the owners or persons entitled to or interested in each parcel so taken, or as to which any right, title, interest, privilege or easement is taken, acquired or extinguished; and a statement of the respective owners or persons entitled thereto or interested therein, but in all and each and every case and cases, where the owners and parties interested or their respective estates or interests are unknown, or not fully known to the commissioners of appraisal, it shall be sufficient for them to set forth and state in general terms, the respective sums to be allowed and paid to the owners of, and parties interested therein generally, without specifying the name of estates or interests of such owners, or parties interested, or any or either of them. They may also recommend such sums if any, as shall seem to them proper to be allowed, to parties appearing in the proceeding, as expenses and disbursements including reasonable compensation for witnesses. They may also determine and recommend what sums if any ought to be paid to the general or special guardian of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interest of any known owner or party in interest who has not appeared in the proceeding, for expenses or counsel fees.

§ 14. Said report signed by said commissioners or a majority of them shall be filed not more than one year after the date of the filing of the oaths of the commissioners in the office of a clerk of a county in which the real estate sought to be acquired may be situated, and in case a part of the real estate is in another county a duplicate report or certified copy shall be filed in the office of the clerk of such other county, provided, however, that the supreme court, upon application and good reasons shown therefor, may extend the time for the filing of said report beyond one year for a period not exceeding eight months. The commissioners of appraisal shall notify the corporation counsel immediately upon the filing of a report.

§ 15. The corporation counsel, or, in case of his neglect to do so within ten days after receiving notice of such filing, any person interested in the proceeding shall give notice that the said report will be presented for confirmation to the supreme court at a special term thereof to be held in the judicial district in which the land or a part thereof is situated, at a time and place to be specified in said notice. The said notice shall contain a statement of the time and place of the filing of the report and of the copy or copies thereof, and shall be published in each of the newspapers referred to previously in this act, for at least three weeks immediately prior to the presentation of such report for confirmation.

§ 16. The application for the confirmation of the report shall be made to the supreme court at a special term thereof held in the judicial district in which the land or some part thereof is situated. Upon the hearing of the application for the confirmation thereof the said court may confirm such report or may in its discretion order that the report or any portion thereof affecting one or more parcels be referred to the same commission, or a new commission, for a new hearing and make an order, containing a recital of the substance of the proceedings in the matter of the appraisal with a general description of the real estate appraised and for which compensation is to be made; and shall also direct to whom the money is to be paid or in what bank or trust company and in what manner it shall be deposited by the comptroller of the city of New York. Such report, when so confirmed, shall (except in case of an appeal, as provided in this act), be final and conclusive as well upon the city of New York as upon owners and all persons interested in, or entitled to, said real estate; and also upon all other persons whomsoever.

§ 17. The city of New York shall, within three calendar months after the confirmation of the report of the commissioners of appraisal, pay to the respective owners and bodies politic or corporate, mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated and reported by said commissioners, the respective sum or sums so estimated and reported in their favor respectively, with lawful interest thereon, from the date of filing the oath and certified copies

thereof as by this act required. And in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate in whose favor the same shall be so reported, his, her, or their executors, administrators or successors, at any time or times, after application first made by him, her or them, to the comptroller of the city of New York for payment thereof, may sue for and recover the same, with lawful interest as aforesaid and the costs of suit in any proper form of action against the city of New York, in any court having cognizance thereof, and it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act, for real estate taken or affected for the purpose herein mentioned, and the report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action.

§ 18. Whenever the owner or owners, person or persons interested in any real estate taken or affected in such proceedings, or in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, of unsound mind, or absent from the state of New York, and also in all cases where the name or names of the owner or owners, person or persons interested in any such real estate shall not be set forth or mentioned in the said report, or where the said owner or owners, person or persons being named therein cannot upon diligent inquiry be found, or where there are adverse or conflicting claims to the moneys awarded as compensation, it shall be lawful for the city of New York to pay the sum or sums mentioned in the said report, payable, or that would be coming to such owner or owners, person or persons respectively, with interest aforesaid into such trust company, as the court may, in the order of confirmation direct, to the credit of such owner or owners, person or persons, and such payment shall be as valid and effectual, in all respects as if made to the said owner or owners, person or persons interested therein, respectively, themselves, according to their just rights; and provided, also, that in all and each and every such case and cases where any such sum or sums, or compensation, reported by the commis-

sioners in favor of any person or persons, or party or parties, whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties, whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the person or persons, or party or parties to whom the same ought to have been paid, to sue for and recover the same with lawful interest and costs of suit, as so much money had and received to his, her or their use. By the person or persons, party or parties, respectively, to whom the same shall have been so paid.

§ 19. Every owner or person in any way interested in any real estate taken or entered upon and used and occupied for the purposes contemplated by this act, and any owner or person interested in real estate contiguous thereto, and which may be affected by the construction and maintenance of said aqueducts, dams, reservoirs, sluices, canals, culverts, pumping works, bridges, tunnels, blow-offs, ventilating shafts and appurtenances, whether such contiguous real estate is shown on the maps or not, if he intends to make claim for compensation for such taking, entering upon, using or occupying, shall, within one year after the appointment of the commissioners of appraisal, exhibit to the said commissioners a statement of his claim, and shall thereupon be entitled to offer testimony and to be heard before them touching such claim and the compensation proper to be made him, and to have a determination made by such commissioners of appraisal as to the amount of such compensation. Every person neglecting or refusing to present such claim, within said time, shall be deemed to have surrendered his title or interest in such real estate, or his claims for damages thereto, except so far as he may be entitled as such owner or person interested to the whole or a part of the sum of money awarded by the commissioners of appraisals, as a just and equitable compensation for taking, using and occupying, or as damages for affecting the real estate owned by said person, or in which said person is interested.

§ 20. Payment of the compensation awarded by said commissioners of appraisal to the persons named in their report (if



not infants or persons of unsound mind) shall, in the absence of notice to the city of New York of other claimants to such award, protect the city of New York.

§ 21. Said commissioners of appraisal may, in their discretion, take up any specified claim or claims and finally ascertain and determine the compensation to be made thereon, and make a separate report with reference thereto, annexing to said report a copy of so much of the maps as displays the parcel or parcels so reported on. Such report shall, as to the claims therein specified, be the report required in this act, and the subsequent action with reference thereto shall be had in the same manner as though no other claim were embraced in said proceeding, which, however, shall continue as to all claims upon which no such determination and report is made.

§ 22. Within twenty days after notice of the confirmation of the report of the commissioners, as provided for in the sixteenth section of this act, which notice may, as to parties who have not appeared before the commissioners, be given in the manner provided in the fifteenth section of this act, either party may appeal, by notice in writing to the other party, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard on due notice thereof being given, according to the rules and practice of said court, either at a special term or appellate division thereof as the appellant may desire. On the hearing of such appeal, the court may direct a new appraisal and determination of any question passed upon, by the same or new commissioners, in its discretion, but from any determination of the special term an appeal may be taken to the appellate division and from any determination of the appellate division, either party, if aggrieved, may take an appeal which shall be heard and determined by the court of appeals. In the case of a new appraisal, the second report shall be final and conclusive on all parties and persons interested. If the amount of compensation to be made by the said city is increased by the second report, the difference shall be paid by the comptroller of the city of New York to the parties entitled to the same, or shall be deposited, as the court may direct; and if the amount is diminished, the difference shall be refunded to the said city of New York by the party to whom the same may have been paid, the judgment therefor may be



rendered by the court, on the filing of the second report, against the party liable to pay the same. But the taking of an appeal by any person or persons shall not operate to stay the proceedings under this act except as to the particular parcel of real estate with which the said appeal is concerned. Such appeal shall be heard upon the evidence taken before such commissioners, and any affidavits as to irregularities, and three printed copies of such evidence shall be furnished by the city of New York, to the party taking the appeal within ten days after the appeal is perfected, and such appeals may be heard on the evidence so furnished, and such appeals may be taken without security thereon.

§ 23. The supreme court of the judicial district in which the real estate, or any part thereof, is situated, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause other property to be included therein and to direct such further notice to be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving or be removed. And the said court may at any time remove any of said commissioners of appraisal who, in its judgment, shall be incapable of serving or who shall for any reason in its judgment be an unfit person to serve as such commissioner. The cause of such removal shall be specified in the order making the same. If, in any particular, it shall, at any time, be found necessary to amend any pleading, proceeding, or to supply any defect therein, arising in the course of any special proceeding authorized by this act, and same may be amended or supplied in such manner as may be directed by the supreme court, which is hereby authorized to make such amendment or correction.

§ 24. The board of water supply, subject to the approval of the board of estimate and apportionment of the city of New York may agree with the owners and persons interested in any real estate laid down on said maps as to the amount of compensation to be paid to such owners or persons interested for the taking or using and occupying such real estate. And in case any said real estate shall be owned, occupied or enjoyed by the people of this state or by any county, town or school district within this state, such rights, titles, interests or properties may be paid for

upon agreement respectively with the commissioners of the land office, who shall act for the people of the state, with a chairman and a majority in numbers of the board of supervisors of any county who shall act for such county, and with the supervisor and commissioner of highways, of any town who shall all act for such town, and with the trustees of any school district who shall act for such district. The commissioners of the land office shall have power to grant to the said city any real estate belonging to the people of this state, which may be required for the purposes indicated in this act, on such terms as may be agreed on between them and the said board of water supply, always, however, reserving and maintaining the rights of the people and riparian owners to go to the water at any point to which the same may be drawn; and if any real estate of any county, town or school district is required by the city of New York for the purposes of this act, the majority of the board of supervisors acting for such county, or the supervisor of any such town, with the commissioners of highway therein acting for such town, or the trustees of any school district acting for such district, may grant or surrender such real estate for such compensation as may be agreed upon between such officers respectively and the board of water supply.

§ 25. The term real estate as used in this act shall be construed to signify and embrace all uplands, lands under water, the waters of any lake, pond or stream, all water rights or privileges, and any and all easements and incorporated hereditaments and every estate, interest and right, legal and equitable, in land or water, including terms for years, and liens thereon by way of judgment, mortgages or otherwise, and also all claims for damage to such real estate. It shall also be construed to include all real estate (as the term is above defined) heretofore or hereafter acquired or used for railroad, highway or other public purposes, providing the persons or corporations owning said real estate or claiming interest therein, shall be allowed the perpetual use for such purposes of the same or of such other real estate to be acquired for the purposes of this act as will afford practicable route or location for such railroad, highway or other public purpose, and in the case of a railroad, commensurate with and

adapted to its needs; and provided also that such persons or corporations shall not directly or indirectly be subject to expense, loss or damage by reason of changing such route or location, but that such expense, loss or damage shall be borne by the city of New York. In case any real estate so acquired, or used for public purposes, is sought to be taken or affected for the purposes of this act there shall be designated upon the maps referred to in the previous sections thereof; and there shall be described in the petition, hereinbefore referred to, such portion of the other real estate shown on said maps and described in said petition, as it is proposed to substitute in place of the real estate then used for such railroad, highway or other public purposes. Provided, that wherever the board of water supply has heretofore located on any map filed in the office of said commission, a substituted route for any railroad, the same shall not be subsequently changed without the assent of such company. The supreme court at the special term to which said petition is presented or at such other special term as the consideration thereof may be adjourned to, shall either approve the substituted route or refer the same back to the board of water supply for alteration or amendment and may refer the same back, with such directions or suggestions as the said court may deem advisable, and as often as necessary and until the said commissioners shall determine such substituted route as may be approved by the court; an appeal from any order made by said court at special term, under the provisions of this section, may be taken by any person or corporation interested in and aggrieved thereby to the appellate division and court of appeals, and shall be heard as a non-enumerated motion. The commissioners of appraisal, hereinbefore referred to, in determining the compensation to be made to the persons or corporations owning such real estate, or claiming interest therein, shall include in the amount of such compensation such sum as shall be sufficient to defray the expenses of making such change of route and location and of building such railroad or highway. The said commissioners of appraisal shall suggest in their report, and the court in the order confirming such report shall determine, subject to review by the appellate division, what reasonable time after payment of the awards to said persons or corporations shall be sufficient

within which to complete the work of making such change, and neither the city of New York, nor the board of water supply shall be entitled to take possession or interfere with the use for the aforesaid purposes of such real estate, before the expiration of such time. This time may be subsequently extended by the court (subject to review as aforesaid) upon a sufficient cause shown. After the expiration of this time so determined or extended no use shall be made of said real estate which shall cause pollution to the water in said reservoir or interfere with its flow.

§ 26. Upon the filing of the oath of the commissioners of appraisal in the manner hereinbefore provided, the board of water supply shall, from time to time, as it may determine, prepare and submit to the corporation counsel, forms of contracts and specifications for the doing of the work and the furnishing of the material required to be done and furnished by the said approved plan, or for the doing of such parts of said work and the furnishing of such parts of said materials as it may from time to time determine. The forms of contract, specifications and bonds for the faithful performance shall be subject to approval as to form by the corporation counsel which approval shall be endorsed thereon or attached thereto. The board of water supply is hereby given the exclusive authority to determine what provisions shall be embodied in said contracts. The board of water supply may also, subject to the approval of the board of estimate and apportionment, make contracts for the use and disposition of any material or by-products, not otherwise used or disposed of, and may also, subject to the approval of the board of estimate and apportionment, utilize the fall of water of any stream or at any dam under the charge or control of the board of water supply, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires or other suitable means for use by the city of New York; and may also, subject to the approval of the board of estimate and apportionment, sell or lease the use of such power or electricity for limited times to be specified in the contracts so to do, and may also, subject to the approval of the board of estimate and apportionment, sell or lease the right to use water when not needed for city purposes, for such limited times as may be specified in the contracts.



§ 27. When the form of any contract with its specifications and the form of bond for the performance thereof shall have been approved as provided for in the last section, the board of water supply shall advertise for sealed bids or for proposals for the doing of the work or the furnishing of the materials called for in such approved form of contract. Said advertisement shall be published in the City Record and in two daily newspapers published in the city of New York, to be designated by the board of water supply, for at least fifteen days consecutively before the time fixed for the closing of the bid box.

§ 28. All bids or proposals which may be sent in answer to the invitation of such advertisement shall be inclosed in a sealed envelope and delivered to the board of water supply or to such person as may be designated by it to receive the same, who shall, upon receipt thereof, forthwith and in the presence of the person offering said bid deposit in a box provided for the receipt thereof. But no bid or proposal shall be so received or deposited unless at the time of such presentation there shall be deposited with the person designated as aforesaid a certified check upon a national or state bank, drawn to the order of the comptroller of the city of New York, to an amount not less than five per centum of the amount of the bond or security required by said approved form for the faithful performance of the work or furnishing of the materials required to be done or furnished. Such amount need not, however, in any case exceed one hundred thousand dollars.

§ 29. After the expiration of the time limited in the advertisement the said bids or proposals shall be publicly opened by the said board of water supply and it may select the bid or proposal, the acceptance of which will, in their judgment, best secure the efficient performance of the work, or they may reject any or all of such bids. In case of the rejection of all of said bids the said board of water supply shall readvertise said contract, and shall receive and dispose of the bids tendered under such advertisement in the manner hereinbefore provided for. In case any work shall be abandoned by any contractor, or his contract terminated pursuant to the provisions thereof, it shall be readvertised and relet in the manner in this act provided for the original letting of such work.



§ 30. Within three days after the decision as to who shall receive the contract, the comptroller shall return all the deposits made to the persons making the same, except the deposit made by the bidder to whom the contract shall be awarded; and if the bidder to whom the contract is awarded shall refuse or neglect, within ten days after due notice that the contract has been awarded, to execute the same, and furnish the security required, the amount of deposit made by him shall be forfeited to and be retained by the said city as liquidated damages for such neglect or refusal and shall be paid into the general fund of the city, but if the said bidder to whom the contract is awarded shall execute the contract, and furnish the said security within the time aforesaid, the amount of his deposit shall be returned to him.

§ 31. The contracts, when so awarded, shall be executed in triplicate by the contractor or contractors on the one part and the board of water supply acting for the city of New York, on the other part. One of said originals shall be delivered to the contractor, and the other two shall be filed, one in the finance department and the other with the board of water supply. The work and materials called for by said contract shall be done and furnished under the direction and supervision, and subject to the inspection of the board of water supply, its engineers, supervisors and inspectors. No contract shall take effect until the board of water supply or a majority thereof shall certify thereon in writing that its acceptance will, in their judgment, best secure the public interest and the efficient performance of the work therein mentioned.

§ 32. The commissioners of appraisal appointed in pursuance of this act shall receive as compensation such fees and expenses as may be taxed by the court upon notice to the corporation counsel who shall also furnish them with the necessary clerks, stenographers, surveyors and other employees. The corporation counsel of the city of New York shall, either in person, or by such assistants or other counsel as he shall designate for the purpose, appear for and protect the interests of the city in all proceedings in court under this act including the taxation of fees, compensation and expenses and proceedings before the com-

missioners. The fees of the commissioners and the salaries and compensation of their employees, and their necessary traveling expenses, and all other necessary expenses, in and about the special proceedings provided by this act to be had for acquiring title or extinguishing claims for damages to real estate, and such allowances for counsel fees as may be made by order of the court shall be paid by the comptroller of the city of New York out of the funds hereinafter provided. Such fees and expenses shall not be paid until they have been taxed before a justice of the supreme court in the judicial district in which the lands or some part thereof are situated upon eight days' notice to the corporation counsel of the city of New York. Such allowances shall in no case exceed the limits prescribed by section three thousand two hundred and fifty-three of the code of civil procedure. The salaries and compensation of the persons employed, as provided for in this act, to prepare the necessary surveys, plans and estimates and for other purposes and to direct, supervise and inspect the work required to be done under the provisions of this act, and such other expenses in and about the same as are not herein required to be under contracts let after competition, shall be paid by the comptroller of the city of New York, on the certification of the board of water supply or of such person or persons as it may designate. The compensation and expenses of such of his assistants or other counsel as the corporation counsel may designate to represent and aid him in the performance of his duties under this act, shall also be paid out of the funds hereinafter provided, and upon the certificate of the corporation counsel who shall have power to appoint such assistants or other counsel and to fix their compensation. The various sums of money growing due from time to time, under the terms of the several contracts, made for the doing of the work and furnishing the material required by this act, shall be paid by the comptroller of the city of New York, on the certification of the said board of water supply or such person or persons as it may from time to time designate.

§ 33. The comptroller of the city of New York is hereby authorized and directed to raise from time to time by the issuance of corporate stock of the city of New York, in addition to the

amount which he is now authorized to raise for such purposes, such sums of money as shall be sufficient to pay for the salaries of the board of water supply and their subordinates, and for any real estate, or for the extinguishment of any right, title or interest therein acquired, and all damages appraised to persons interested therein, together with all expenses necessarily incurred in surveying, locating and acquiring title to said real estate, or in extinguishing claims for damages thereto, and also to pay for all construction work that may be contracted for and accomplished under this act, and for all other expenses of any nature or kind whatever that may be legally incurred under the provisions of this act. Such corporate stock shall be issued by the comptroller, when thereto authorized by the board of estimate and apportionment, without the concurrence or approval of any other board or public body, and as provided in section one hundred and sixty-nine of the Greater New York charter, but the term of the corporate stock issued under the authority of this act shall not exceed twenty years. Such corporate stock shall be deemed to be bonds to provide for the supply of water within the meaning of section ten of article eight of the constitution of the state of New York, and in accordance with the provisions of said section a sinking fund shall be created on the issuing of the said corporate stock for its redemption by raising annually by taxation a sum which will produce an amount equal to the sum of the principal and interest of said corporate stock at its maturity. All payments from the proceeds of the sale of such corporate stock shall be made upon proper vouchers and authorizations in accordance with the provisions of this act and with the laws, regulations and practice now in force in regard to the payment of money by the comptroller of the city of New York.

§ 34. All work hereby authorized to be done and all materials hereby authorized to be furnished involving an expenditure of over one thousand dollars, shall be procured by contract made in the manner required by and pursuant to the provisions of this act. The board of water supply, however, may without contract cause such surveys to be made and such maps, plans and estimates to be prepared, as shall, in its opinion, be necessary to carry out the provisions of this act, and may appoint and fix the compensation

of suitable engineers and other persons to supervise and inspect all work hereby authorized to be done. The board of water supply may procure any work to be done without contract, not involving an expenditure of over five thousand dollars, if they certify that in their opinion, it is for the public interest, that such work shall be done; and in such certificate they shall state their reasons therefor.

§ 35. The city of New York is hereby required to build and construct such highways and bridges as may be made necessary by the construction of any reservoir under this act, and to repair and forever maintain such additional highway bridges as may be made necessary by the construction of any reservoir under this act, and to repair and forever maintain such additional highway bridges as may be made necessary by the construction of such reservoir or reservoirs, and in any case any bridge or highway thus constructed shall cross any railroad, it shall do so above or below the said railroad and not upon the same level as the same.

§ 36. The board of water supply shall in every calendar month file in the office of the comptroller of the city of New York an account of any expenses made by it, or under its authority, and of all liabilities incurred by it during the preceding month and an abstract of each such account shall be published in the City Record.

§ 37. Nothing contained in this act shall authorize the city of New York, or its representatives, to enter upon the lands along any streams or water-courses, not taken in pursuance of this act, for the purpose of preserving said streams or water-courses from pollution or contamination, or of moving or causing to be moved any buildings, improvements or edifices on the ground that the same may contaminate the water supply, without making a provision for just compensation to the owner of said buildings or improvements for the removal or destruction thereof.

§ 38. Nothing herein contained shall authorize or empower the city of New York to prohibit the public from using the said lakes or reservoirs that may be constructed under the provisions of this act for the purpose of ice-cutting or fishing; and the city of New York, or its representatives, shall not hereafter prohibit

the public from using said lakes or reservoirs which are now under the care or supervision of the city of New York for the purposes of ice-cutting or fishing, subject, however, to reasonable rules and regulations.

§ 39. Real estate acquired under the provisions of this act shall be taxable in the counties and taxation districts in which such real estate is situated.

§ 40. Immediately upon the acquisition of an additional supply of water by the city of New York, under the provisions of this act, or under proceedings instituted after the passage of this act, it shall be lawful for any of the municipal corporations in the county of Westchester to take and receive from any of the reservoirs, aqueducts, conduits, streams or pipes of the city of New York, a supply of water for the uses and purposes of the said municipal corporations. The connections with said reservoirs, aqueducts, conduits, streams or pipes shall be made at the expense of said municipalities, and they shall pay to the city of New York water charges or rates in the same amounts as are charged by the city of New York to persons using water in that city. Any such municipal corporation desiring to take and receive water under the provisions of this section shall make application to the proper officer in charge of the water supply of the city of New York in writing, showing the place and manner in which it is proposed to make said connections. It shall be the duty of the said officer to grant a permit or authorization for the said connections, under reasonable rules and regulations, including the installation of proper meters or other devices for ascertaining the quantity of water thus taken. Provided, however, that no greater quantity of water shall be taken by the said municipal corporations than the proportionate amount that is used by the city of New York, the proportion being calculated according to the number of inhabitants respectively of the said city and municipal corporations as shown by the last preceding census of the United States.

§ 41. In case any real estate or rights therein shall be acquired under the provisions of this act in the county of Ulster, and any reservoir shall be so constructed thereon under the provisions of this act, it shall be lawful for the city of Kingston, at its own expense, to construct a pipe line or aqueduct connecting



with said reservoir for the purpose of supplying water to the city of Kingston. The amount of water that may be drawn by the city of Kingston from the said reservoir shall not exceed the proportionate amount that is used by the city of New York, the proportion being calculated according to the number of inhabitants respectively of the said cities as shown by the last preceding census of the United States. The city of Kingston shall pay to the city of New York a water tax or charge, founded upon the amount of water consumed, and at the same rate or charge as is made to the citizens of the city of New York for the use of water in that city.

§ 42. In case any person owning private property not actually taken or proposed to be taken under the provisions of this act, but which will in his opinion be damaged by proceedings taken or proposed to be taken thereunder, the board of water supply may agree with such person as to the amount of such damages, and if such agreement can not be made such damages, if any, shall be determined in the manner herein provided for the ascertaining and determining the value of real estate taken under the provisions of this act, and the amount of such damages so agreed upon as aforesaid or so determined as aforesaid shall be payable and collectible in the same manner as is herein provided in the case of awards made through the confirmation of a report of commissioners of appraisal.

§ 43. Nothing in this act contained shall be so construed as to repeal, affect or modify chapter nine hundred and forty-two of the laws of eighteen hundred and ninety-six, nor chapter seven hundred and fifty-two of the laws of nineteen hundred and four.

§ 44. The board of water supply is hereby authorized and empowered to provide suitable offices and conveniences for the transaction of its business and to provide proper and needful furniture and safes for the safe keeping of its documents, and to incur other and necessary expenses suitable and proper to enable it to carry out the provisions of this act.

§ 45. This act shall not affect any of the provisions of chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, or the acts amendatory thereof, nor deprive the aqueduct commissioners of the city of New York of any of the powers conferred by such acts.

§ 46. This act shall take effect immediately.

(No. 10.)

AN ACT to abolish the county of Hamilton, and to annex the territory thereof to the counties of Herkimer and Fulton.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The county of Hamilton on and after May first nineteen hundred and six is abolished, and all its rights and privileges as a separate county of the state of New York, on and after May first, nineteen hundred and six shall terminate and end.

§ 2. The following portion of the present county of Hamilton is annexed to Herkimer county, such annexation to take effect May first nineteen hundred and six, namely: Beginning at the southeast corner of the present town of Morehouse, Hamilton county; thence northerly along the easterly boundary line of the said town of Morehouse to the west line of township four Totten and Crossfield's purchase; thence southeasterly along the west line of township four Totten and Crossfield's purchase to the southwest corner of township four Totten and Crossfield's purchase. Thence northeasterly along the south boundary line of township four Totten and Crossfield's purchase to the east line of the present town of Arietta; thence north along the east line of the present town of Arietta, to a point where the said east line of the town of Arietta intersects the west boundary line of township thirty-four, Totten and Crossfield's purchase; thence northwesterly along the west boundary line of township thirty-four, Totten and Crossfield's purchase to the southeast corner of township forty, Totten and Crossfield's purchase; thence northwesterly along the east boundary line of township forty, Totten and Crossfield's purchase, which is likewise the dividing line between townships forty and thirty-five, Totten and Crossfield's purchase to the southeast corner of township thirty-nine Totten and Crossfield's purchase; thence along the easterly boundary line of said township thirty-nine, which is also the dividing line between townships thirty-nine and thirty-six, Totten and Crossfield's purchase, to the southwest corner of township thirty-seven, Totten and Crossfield's purchase;

thence along the southerly boundary line of township thirty-seven, Totten and Crossfield's purchase to the southeast corner of township thirty-seven. Thence northwesterly along the east boundary line of township thirty-seven to the boundary line between the counties of Saint Lawrence and Hamilton. Thence westerly along the present boundary line between Saint Lawrence and Hamilton counties, to the present boundary line between Herkimer and Hamilton counties, as said line was located by the state engineer and surveyor, pursuant to laws nineteen hundred, chapter four hundred and thirty-nine. Thence south along the present boundary line between Herkimer and Hamilton counties, to the southwest corner of the town of Morehouse which is likewise the southwest corner of the present county of Hamilton; thence southeasterly along the southerly line of the said town of Morehouse, which is also the present south line of the county of Hamilton to the place of beginning. On and after May first nineteen hundred and six, the county of Herkimer, and the officers, courts and tribunals thereof, shall have full and complete jurisdiction in and over the aforesaid portion of the present county of Hamilton and the inhabitants therein; and on and after May first nineteen hundred and six, the county of Herkimer shall with reference to the aforesaid portion of Hamilton county, become and be the successor and assign of the said county of Hamilton, with all the rights, powers and privileges over the aforesaid territory and the inhabitants therein as the present county of Hamilton.

§ 3. The following portion of Hamilton county is annexed to the county of Fulton, such annexation to take effect May first nineteen hundred and six, namely: Beginning at the northeast corner of the present county of Hamilton, thence south along the east line of the present county of Hamilton to the southeast corner of the present county of Hamilton, which is likewise the northeast corner of the county of Fulton; thence westerly along the present dividing line between the counties of Hamilton and Fulton, to the southeast corner of the town of Morehouse. Thence northerly along the east line of the town of Morehouse to the west line of township four, Totten and Crossfield's purchase; thence southeasterly along the west line of township four

Totten and Crossfield's purchase to the southwest corner of township four Totten and Crossfield's purchase; thence northeasterly along the south line of township four, Totten and Crossfield's purchase, to the east line of the present town of Arietta; thence north along the east line of said town of Arietta to a point where said east line of the town of Arietta intersects the west line of township thirty-four Totten and Crossfield's purchase; thence northwesterly along the west boundary line of township thirty-four, Totten and Crossfield's purchase to the southeast corner of township forty Totten and Crossfield's purchase; thence northwesterly along the east boundary line of township forty, Totten and Crossfield's purchase, which is the dividing line between townships thirty-five and forty, Totten and Crossfield's purchase, to the southeast corner of township thirty-nine Totten and Crossfield's purchase; thence along the east boundary line of said township thirty-nine which is also the dividing line between townships thirty-nine and thirty-six Totten and Crossfield's purchase, to the southwest corner of township thirty-seven, Totten and Crossfield's purchase; thence along the southern boundary line of township thirty-seven Totten and Crossfield's purchase to the southeast corner of township thirty-seven; thence northwesterly along the east line of said township thirty-seven, Totten and Crossfield's purchase to the dividing line between the counties of Saint Lawrence and Hamilton; thence easterly along the north boundary line of the present county of Hamilton to the place of beginning. On and after May first nineteen hundred and six the county of Fulton, and the courts, tribunals and officers thereof shall have full and complete jurisdiction of that portion of the present county of Hamilton which is described in section three of this act, and which is hereby annexed to the county of Fulton; and on and after May first nineteen hundred and six, the county of Fulton shall with reference to said portion of the present county of Hamilton, as is in section three of this act described, become and be the successor and assign of the said county of Hamilton with all the rights, powers and privileges over the aforesaid territory so annexed to Fulton county, and the inhabitants therein, as the present county of Hamilton.



§ 4. The present town of Morehouse Hamilton county which is included in the lands by this act annexed to Herkimer county is abolished as a separate town and the same is annexed to the town of Wilmurt Herkimer county, such abolition and annexation to take effect May first, nineteen hundred and six; on and after May first nineteen hundred and six, the present officers of the said town of Wilmurt shall have full and complete jurisdiction in the present town of Morehouse, and over the inhabitants therein, and on and after said first day of May nineteen hundred and six, all jurisdiction and authority, except as herein otherwise provided, of the officers of the present town of Morehouse, shall cease and terminate. On and after May first nineteen hundred and six, the said town of Wilmurt, Herkimer county, shall become and be the successor and assign of the present town of Morehouse Hamilton county, and be vested with all the rights, property, powers and privileges of the said town of Morehouse. The present town of Morehouse shall be maintained and kept as a separate election district of the town of Wilmurt, Herkimer county, until otherwise provided by law. The present inspectors of election of the town of Morehouse shall act as inspectors of election for said election district, until their successors shall be duly elected at the next ensuing town meeting of the town of Wilmurt.

§ 5. The name of the town of Inlet, in the present county of Hamilton is changed to the town of Hamilton, such change to take effect May first nineteen hundred and six, and as so changed said town shall on and after May first nineteen hundred and six, continue its town organization, as a town of Herkimer county. All the present officers of the town of Inlet shall continue to act and have full authority as officers of the town of Hamilton for the balance of the terms for which they were elected or appointed, and all the rights, property, powers, privileges and liabilities of the town of Inlet, are hereby transferred to the said town of Hamilton, such transfer to take effect May first nineteen hundred and six, and on and after May first nineteen hundred and six, the said town of Hamilton shall become and be the successor and assign of the said town of Inlet, with all the rights, powers, privileges and liabilities of the said town of Inlet.



§ 6. The town of Arietta of the present county of Hamilton is abolished, such abolition to take effect on the first day of May, nineteen hundred and six; and on and after May first nineteen hundred and six, all the power and authority of the present officers of said town of Arietta, shall on that date cease and terminate.

§ 7. Those portions of the present towns of Arietta, and Long Lake, Hamilton county, that are set over to Herkimer county, by section two of this act, are hereby annexed to the said town of Hamilton, such annexation to take effect May first nineteen hundred and six, and said town of Hamilton shall commence its existence as a separate town of Herkimer county on the first day of May nineteen hundred and six. All the town officers of the present town of Inlet are continued as officers of the town of Hamilton, on and after May first nineteen hundred and six, and during the balance of the terms for which they were elected or appointed shall continue to act as officers of the town of Hamilton and have full authority and jurisdiction in and over all those parts of the present towns of Long Lake, and Arietta that are hereby annexed to said town of Hamilton, and the said town of Hamilton shall become and be the successor of the towns of Long Lake, and Arietta as to those portions of the said towns of Long Lake and Arietta that by this act are annexed to Herkimer county, and the said town of Hamilton shall as to said territory so taken from the present towns of Long Lake and Arietta be vested with all the property, powers and privileges of said towns of Long Lake, and Arietta.

§ 8. The present town of Indian Lake, Hamilton county, which by this act has been annexed to the county of Fulton, shall be continued as a separate town to be known by the name of the town of Indian Lake, Fulton county; and the present officers of the said town of Indian Lake, within said portion so set off to Fulton county, shall continue to act as officers of said town for the balance of the terms for which they were elected or appointed, with full power to fill any and all vacancies.

§ 9. That portion of the present town of Long Lake, Hamilton county, which by this act has been annexed to the county of Fulton, shall be continued as a separate town, to be known by the name of the town of Long Lake, Fulton county; and the pres-

ent officers of the said town of Long Lake, within said territory so set over to Fulton county, shall continue to act as officers of said town for the balance of the terms for which they were elected or appointed, with power to fill any and all vacancies.

§ 10. The present town of Lake Pleasant, Hamilton county, is hereby abolished, and the same is annexed to the town of Wells, such abolition and annexation to take effect May first nineteen hundred and six, and on and after May first nineteen hundred and six, the authority and jurisdiction of all the town officers of the town of Lake Pleasant shall cease and terminate; and on and after May first, nineteen hundred and six, the town officers of the present town of Wells, shall have full and complete authority and jurisdiction over and in the present town of Lake Pleasant and the inhabitants therein, the said town of Wells with said annexed territory, to be one of the towns of Fulton county, on and after May first nineteen hundred and six. And on and after May first nineteen hundred and six, the said town of Wells shall become and be the successor and assign of the said town of Lake Pleasant, with all the rights, powers and privileges over the territory of the present town of Lake Pleasant, and the inhabitants therein as the present town of Lake Pleasant.

§ 11. The present town of Hope, Hamilton county is abolished, and said town of Hope is annexed to the town of Benson, such annexation to take effect May first, nineteen hundred and six; and that part of the town of Arietta which has been by this act set over to the county of Fulton, is also hereby annexed to the town of Benson, such annexation to take place May first, nineteen hundred and six; and on and after May first nineteen hundred and six, all the authority and jurisdiction of the town officers of the said town of Hope, shall cease and terminate and on and after May first, nineteen hundred and six the present town officers of the town of Benson shall have complete authority and jurisdiction over and in the present town of Hope, and the inhabitants therein, and over and in that part of the town of Arietta and the inhabitants therein, hereby annexed to the county of Fulton, and on and after May first nineteen hundred and six, the said town of Benson, shall become and be the successor and assign of the said town of Hope, and the successor

and assign of that portion of the said town of Arietta, which by this act has been annexed to Fulton county, and as to said annexed territory said town of Benson shall be vested with all the property, powers and privileges of the said towns of Hope and Arietta, and on the said first day of May nineteen hundred and six, the said town of Benson with the territory annexed to it by this act, shall become and be one of the towns of Fulton county.

§ 12. On and after the first day of May nineteen hundred and six, all offices of said county of Hamilton are and shall be vacated and abolished; and the functions, jurisdiction and authority of all officers of the county of Hamilton, shall on the first day of May nineteen hundred and six, cease and terminate.

§ 13. The salaries of the county officers of the present county of Hamilton since the last tax levy by the board of supervisors of Hamilton county in nineteen hundred and five, up to the first day of May nineteen hundred and six, shall be paid as follows: One-half thereof by the state of New York, the remaining one-half to be paid ratably by the counties of Fulton and Herkimer, the same to be levied however, in said counties of Fulton and Herkimer, upon the property and taxable inhabitants so set over to said counties respectively, in proportion to the assessed valuation of the real estate set over to said counties respectively according to the assessment rolls of nineteen hundred and four.

§ 14. All pending actions or proceedings either criminal or civil in the supreme court, Hamilton county, shall continue, and the place of trial thereof shall be in the county of Fulton, as now provided by law. No action either civil or criminal or proceeding of any kind, pending in the county court of Hamilton county, or in the surrogate's court of Hamilton county, shall terminate or abate by reason of the abolition of Hamilton county. Jurisdiction of any action or proceeding, either civil or criminal in the county court, or surrogate's court of Hamilton county, pending May first, nineteen hundred and six, is hereby transferred to the county courts and surrogate's courts of Fulton and Herkimer counties respectively, as courts of concurrent jurisdiction. The county courts of each of the counties of Herkimer and Fulton, and the surrogate's court of each the counties of Herki-

mer and Fulton, and the county judge and surrogate of each the counties of Fulton and Herkimer, shall each have full jurisdiction and authority to hear and determine any pending controversy, question, action, issue, or proceeding, originating within the territory hereby annexed and set over to the said counties or Fulton or Herkimer, or where one of the parties to said action or proceeding, resides within the territory so annexed to either of said counties, the same as the county judge of Hamilton county, or county court of Hamilton county, or surrogate's court of Hamilton county, or surrogate of Hamilton county might or could do, if the said county of Hamilton had not been abolished; and as to past transactions or events, as to which there is no pending action or proceeding at the time this act takes effect, for the purpose of determining the jurisdiction of said surrogate's court or county court, county judge, or surrogate of either of said counties of Fulton or Herkimer, any person a resident of Hamilton county on the first day of May nineteen hundred and six, or prior thereto, shall be deemed to be and taken to be a resident of the said counties of Fulton and Herkimer, according as they may have resided within the territory so set over to said counties.

§ 15. The jail, court house, clerk's office, and all real estate belonging to the county of Hamilton, or in which the county of Hamilton is in any way interested, shall be sold to the highest bidder at public sale by the county treasurer of Fulton county after May first, nineteen hundred and six in the same manner as if sold upon a judgment of mortgage foreclosure, such sale to be held at the court house in the city of Johnstown New York, notice of said sale shall be published in the counties of Herkimer and Fulton and also posted on the front door of the present court house and clerk's office at Lake Pleasant, and the same also shall be published in the state paper. The proceeds of such sale after deducting all the expenses thereof shall be divided as follows, one-half thereof to the state and the remaining one-half to be divided between the counties of Herkimer and Fulton in proportion to the assessed valuation of the real estate set over to said counties respectively, according to the assessment rolls for the year nineteen hundred and four.

§ 16. The records of the surrogate's office, surrogate's court, the records in the county clerk's office, and the records of the clerk



of the board of supervisors of Hamilton county, and all papers on file in said offices, shall be all delivered by the officers having the custody thereof, to the secretary of state on the first day of May nineteen hundred and six, and the said secretary of state shall have the custody thereof, and shall give transcripts and certified copies of such records and papers, with like force and effect as if made by the clerk of Hamilton county, or the clerk of the surrogate's court of Hamilton county, the surrogate of Hamilton county, or the clerk of the board of supervisors of Hamilton county. The records in the office of the county treasurer of Hamilton county, shall on the first day of May nineteen hundred and six, be delivered by the said county treasurer to the comptroller of the state of New York and by the said comptroller kept with like force and effect as if kept by the said county treasurer of Hamilton county; and the said county treasurer of Hamilton county shall also return and deliver to the comptroller of the state of New York, all the assessment rolls for the year nineteen hundred and four and nineteen hundred and five of the various towns of the county of Hamilton, and such assessment rolls, shall by the said comptroller be kept as public records of his office.

§ 17. This act shall in no way affect the validity of any return made by the county treasurer of Hamilton county, to the comptroller of the state of New York, for the nonpayment of taxes; and any such taxes so returned, as unpaid by the county treasurer of Hamilton county, which have been heretofore admitted, or which may hereafter be admitted, by the comptroller of the state of New York, shall be binding, and of like force and effect as if this act had not been passed; and the comptroller of the state of New York shall have full power and authority to sell any and all lands for the nonpayment of any taxes, which are, or which may be returned as unpaid by the county treasurer of Hamilton county, the same as if this act had not been passed; and the description of such lands in any notice or notices of sale, books, records, deeds, or other proceedings of the said comptroller, heretofore or hereafter made or done, as being in Hamilton county shall in nowise affect the validity of any tax sale, tax deed or proceeding of the said comptroller; and the said comptroller of the state of New York, for the purpose of any tax sale of lands within the present county of Hamilton, tax deed or other proceed-



ing, occurring after this act takes effect, may continue the same in the name of, and by the description of Hamilton county, the intent of this section being that nothing in this act contained shall affect any record, act, book, deed, or proceeding by the comptroller of the state of New York, or in his office, which has heretofore, or which may hereafter be done with reference to unpaid taxes upon any lands or property, or any sale thereof, within the present county of Hamilton. On and after May first nineteen hundred and six, the comptroller of the state of New York shall be vested with all the power, authority and jurisdiction of the county treasurer of Hamilton county, and shall be the successor of said county treasurer of Hamilton county, in all matters of taxation, with full power to do any and all acts required by law to be done or performed by said county treasurer of Hamilton county, including the correction and revision of all returns of taxes whether paid or unpaid. The said comptroller is hereby authorized and empowered to act in the same manner and with the like effect, in the matter of the recomparison and correction of the accounts of unpaid taxes returned by the treasurer of Hamilton county for the year nineteen hundred and five as the county treasurer of said county might or could do if continued in office.

§ 18. This act shall in no way operate so as to prevent any creditor or claimant of or against Hamilton county, from the collection of any just debt or claim. Neither shall the present counties of Herkimer or Fulton, ultimately be liable for any indebtedness of Hamilton county, or any claim that may exist against Hamilton county, when this act takes effect, but all such indebtedness and claims shall in the first instance be borne by the said counties of Herkimer and Fulton, in proportion to the assessed valuation of the territory so set off to them, according to the assessment rolls of the various towns of the said county of Hamilton for the year nineteen hundred and four, and after adjustment and payments of any such claim by the counties of Herkimer and Fulton, the same shall be levied upon, and be borne and paid solely by the territory annexed to each of the said counties of Herkimer and Fulton, and the inhabitants and taxable property therein, in proportion to the assessed valuation

of said taxable property, as determined from the assessment rolls of the various towns of the county of Hamilton for the year nineteen hundred and four. The property, the territory and the inhabitants therein hereby annexed to the counties of Herkimer and Fulton shall not be liable for any of the debts or liabilities of either the counties of Herkimer or Fulton, existing prior to May first nineteen hundred and six.

§ 19. This act shall in no way operate so as to bar or prevent any creditor or claimant of any of the towns of the present county of Hamilton, from collecting any just debt or claim, which there may be against said towns, or any of them. No town having territory annexed to it shall ultimately be liable for any indebtedness or claim that there may be against the town whose territory is annexed; but after adjustment by the town having annexed territory, such claim or indebtedness shall be assessed and levied upon and paid solely by the territory and taxable persons and property wherein such indebtedness originated, in proportion to the assessed valuation of said property as determined from the assessment rolls of the various towns of the county of Hamilton for the year nineteen hundred and four; no tax shall be laid on any annexed territory, or the inhabitants therein, for the payment of any past indebtedness of the town with which it is consolidated. Each of the counties of Herkimer and Fulton, and any and all county officials of each the said counties of Herkimer and Fulton, shall have with reference to the territory set off to said counties, the right to maintain any and all action or actions, proceeding or proceedings, with reference to the territories so annexed to the said counties, or in any way growing out of the same, or the inhabitants therein, which could have been maintained by the county of Hamilton or by any officer thereof.

§ 20. All unexpended moneys belonging to the county of Hamilton, and all property except the public records of said county and its real estate, shall on the first day of May nineteen hundred and six vest in the state of New York; one-half thereof to be for the benefit of the state of New York, and the remaining one-half to be divided between the counties of Herkimer and Fulton, in proportion to the assessed valuation of the real estate set over to said counties respectively, according to the assessment rolls for the year nineteen hundred and four.

§ 21. All unexpended moneys and property both real and personal, of any town of the present county of Hamilton, the territory of which town is in part annexed by this act to any other town, shall be divided in proportion to the assessed valuation as based on the nineteen hundred and four assessment roll.

§ 22. Each of the counties of Herkimer and Fulton shall have the right, power and authority to maintain for and on behalf of any town composed of territory formerly of the county of Hamilton, any proceeding or action, which said original town of the present county of Hamilton, might or could have maintained if this act had not been passed.

§ 23. All persons confined in the county jail of Hamilton county on the first day of May nineteen hundred and six, shall by the sheriff of Hamilton county be taken and delivered to the sheriff of Fulton county, and by the said sheriff of Fulton county, confined in the Fulton county jail for the balance of the term of their imprisonment with like force and effect as if confined in the Hamilton county jail.

§ 24. This act shall take effect May first nineteen hundred and six.

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(No. 11.)

AN ACT to amend the forest, fish and game law, in relation to licenses for hunting deer, bear and game birds and disposition of the proceeds of such licenses.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended by adding thereto a new section to be numbered section ninety-one, and to read as follows:

§ 91. Subdivision 1. Licenses for hunting; kinds; who to issue; resident, who is; how may transport deer; nonresident, who is; how may transport deer.—The state forest, fish, and game commissioner shall issue licenses

for the hunting of game in the manner and under the conditions hereinafter stated. All such licenses issued to non-residents and unnaturalized persons shall be countersigned by the secretary of state. All fees for such licenses shall be paid previous to the issuing thereof. The state forest, fish and game commissioner shall procure the printing of all licenses for the hunting of game and a record of such licenses issued to nonresidents shall be kept in the office of the forest, fish and game commissioner. All licenses to persons who are residents of the state shall be numbered consecutively at the time they are printed, and shall be furnished by the state forest, fish and game commissioner to the clerks of the several counties in the state and to such town clerks as may apply therefor. Such clerks shall issue the same upon the terms and conditions hereinafter provided. Two forms of licenses for nonresident and unnaturalized persons shall be issued, to wit: One for hunting of deer and bear, and the other for the hunting of game protected by the laws of the state with the exception of deer, provided, that a person holding a license for the hunting of deer is hereby authorized to hunt for any game protected by the laws of the state during the seasons and under the conditions prescribed by law, and the terminations of said license shall be stated on its face. Not more than one license shall be issued to the same person in any one year. The state forest, fish and game commissioner may issue duplicates for licenses lost, upon satisfactory proof of its loss or destruction.

2. Any resident of this state who shall pursue, hunt or kill any deer or bear of this state without being at the time of such pursuing, hunting or killing in possession of a license duly issued to him, which license shall cover the period in which he shall be pursuing, hunting or killing such game, or who shall furnish to another person during the open season for such game or permit such another person to have, during such season a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

3. Every person who has resided in this state for one year previous to applying for a license to hunt deer and bear and who desires to hunt the same must first obtain



a license from the county clerk of the county or town clerk of the town in which he resides, which said license shall be issued by said clerk, under seal, upon blanks, furnished by the secretary of state. Said license shall certify that the licensee is a bona fide resident of the state of New York and give a description of such person such as shall be required by the secretary of state and the state forest, fish and game commissioner in the blank licenses furnished to said county or town clerk. The applicant for such license shall show that the licensee is a resident of this state, shall give his residence and his postoffice address, shall contain a description of his person, and such other information as shall be required by the secretary of state and the state forest, fish and game commissioner, shall be verified by the affidavit of the applicant and some resident of the county other than himself acquainted with the facts as set forth in the application. The county or town clerk shall receive with each such application for license the sum of seventy-five cents. The license so issued to any resident of this state shall have attached two coupons for the shipment of deer. Each coupon shall be divided into two sections lettered A and B respectively. The holder of a resident coupon license shall be entitled to offer for transportation or have transported within the state by a common carrier of the state one carcass of a deer or part of carcass of deer on each of the two coupons attached to his license, when accompanied by the owner thereof. The agent receiving the carcass or part of carcass for transportation shall detach section A of the coupon on which the same is to be transported and forward said section to the state forest, fish and game commissioner. Section B is to be attached to the carcass or part of carcass of deer received for transportation and the two sections of the coupon must be cancelled by the said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon. While in transit, section B of the coupon must be on the carcass or part of carcass of deer or same shall be subject to seizure as contraband game. The receiving agent or employee of transportation companies or common carriers are required to transmit to the state forest, fish and game commis-



sioner section A of the coupon as herein required, must so transmit the same within two days of the date of shipment. Any agent, servant or employee of any transportation company or common carrier who shall receive for shipment or transport any carcass of deer or part of deer without having the coupon attached thereto as herein provided, or who shall refuse or neglect to detach section A of the coupon as herein provided, or who shall fail to transmit or forward to the state forest, fish and game commissioner as herein provided the section by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment, in the discretion of the court. No transportation company or common carrier shall receive for transportation, or transport or attempt to transport any carcass of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section, relative to the coupons and parts of coupons, and shall only be received for shipment, carried or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

4. Any nonresident or unnaturalized person of this state who shall pursue, hunt or kill any of the birds, fowls or animals protected by the laws of this state without being at the time of such pursuing, hunting or killing in possession of a license duly issued to him, which license shall cover the period in which he shall be so pursuing, hunting or killing such game, or who shall furnish to another person, during the open season for such game or permit such another person to have, during such season, a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

5. Every unnaturalized person, and every person who has not resided in this state for one year previous to the time of applying for a license to hunt any of the game protected by the laws of the state of New York, shall, for the purposes of obtaining a license to hunt game, be considered a nonresident thereof and shall, in order to be entitled to a license for the pursuing or

killing of game in this state during the seasons or times which the law permits the hunting, pursuit or killing of game, pay to the secretary of state the following sums, to wit: For a license to hunt deer and bear in the season therefor as fixed by law, which said license shall include permission to hunt any and all other kinds of game protected by law, in the several seasons or times fixed therefor, twenty-five dollars; for the hunting of all kinds of game protected by the laws of the state, in the seasons or times fixed therefor by law with the exception of deer or bear, ten dollars. The application for either of such licenses shall state the residence of the applicant and answer such other questions or give such other information as may be required by the secretary of state and the state forest, fish and game commissioner and be verified by the affidavit of the applicant that the residence stated and the answer made or information given are true.

6. Licenses, nonresident; transportation of deer under.— Each license for the hunting of game issued under the provisions of law shall state for what year the same is granted, and shall be valid for no other period, nor for any time or season than that which the law shall designate to be the open season for game permitted to be hunted, taken or killed by the terms of such license, subject to the proviso that all kinds of game can be hunted in their season and under the conditions of law by a person holding a license for the hunting of deer and bear. The licenses for nonresidents and unnaturalized persons of the state for the hunting of deer and bear and the general game licenses for nonresident and unnaturalized persons of the state shall each be numbered consecutively when issued from the office of the secretary of state, and be upon best tag board of coloring differing the one from the other; and both of these licenses provided for nonresidents and unnaturalized persons shall differ essentially in color from the licenses provided to be furnished to residents. The licenses shall contain the name and place of residence of the licensee, and such other matter and information as may be required by the secretary of state and the forest, fish and game commissioner, to identify the licensee or more perfectly guard against violations of law. The licenses issued to persons not residents of this state shall recite that the licensee is a non-

resident of the state; those prepared for issuance to residents of the state shall state that the licensee is a resident; those prepared for issuance to unnaturalized persons shall state that the licensee is unnaturalized; all coupons or stubs shall contain like information. Each license issued by the county or town clerks shall be provided with two stubs, indicating the number of the license, to who granted, the residence of the licensee, and such other information as may be required by the secretary of state and state forest, fish and game commissioner. One of such stubs shall be detached by the clerk issuing the license and shall be sent to the state forest, fish and game commissioner by him; the other stub shall be retained in the office of the county or town clerk and become a part of the records. Each license for the hunting of deer and bear issued to non-residents or unnaturalized citizens of the state, shall be provided with two coupons containing the essential information of the license relative to the number of the license and the licensee, and such other information as the secretary of state and the state forest, fish and game commissioner may determine to embody therein, including the express statement that the licensee is a nonresident of the state, or an unnaturalized citizen. Each coupon shall be divided into three sections, lettered A, B, and C, respectively. The holder of a nonresident or unnaturalized citizen license shall be entitled to offer for transportation and have transported within the state by a common carrier of this state one carcass of a deer or part of a carcass of a deer on each of the two coupons attached to his license. The agent receiving the carcass or part of a carcass for transportation shall detach section A of the coupon on which the same is to be transported, and forward said section to the state forest, fish and game commissioner. Section B and C are to be attached to the carcass or part of carcass of deer received for transportation, and all three sections of the coupons must be canceled by the said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon. While in transit within the state sections B and C of the coupon must be on the carcass of deer or part of carcass of deer or the said carcass or part of carcass shall be subject to seizure as contraband game.

If the place of delivery of said carcass or part of carcass is within the state of New York, the delivering agent of the common carrier or transportation company, shall before the delivery to the consignee, detach section C of the coupon, and forward said section to the state forest, fish and game commissioner, leaving section B attached to the carcass or part of carcass. The receiving and delivering agents or employees of transportation companies or common carriers required to transmit to the state forest, fish and game commissioner sections of the coupons as herein required must so transmit the same within two days of the date of shipment or delivery respectively. If the carcass or part of carcass of deer be consigned to a point within the state of New York the agent, servant or employee of the transportation company or common carrier who shall be in charge of the carcass or part of carcass while in transit within the state, shall detach section C of the coupon and deliver the same to the agent, servant or employee of the transportation company or common carrier at the last station or place in the state where the train or other conveyance of the said transportation company or common carrier shall stop, and it shall be the duty of the said agent, servant or employee of the said transportation company or common carrier to whom said section of the coupon is delivered to immediately forward the same to the state forest, fish and game commissioner, after writing or stamping thereon the name of the station or place and date of reception thereof of said section of said coupon. Any agent, servant or employee of any transportation company or common carrier who shall receive for shipment or transport, or have in his possession with intent to ship or transport any carcass of deer or part of carcass of deer without having the coupons or sections of coupons attached thereto as herein provided or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to transmit or forward to the state forest, fish and game commissioner as herein provided the sections by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment in the discretion of the court. No transportation company or common carrier shall receive for transportation or transport or attempt to transport any carcass of deer or part of a carcass



of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section relative to the coupons and parts of coupons and shall only be received for shipment, carried or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

7. Any person who shall pursue, hunt or kill deer or bear without being at the time of such pursuing, hunting or killing, in possession of a license duly issued to him, which license shall cover the period in which he shall be so pursuing, hunting or killing deer or bear, or who shall furnish to another person during the open season for deer or bear or permit another person to have, during such season, a license issued to him, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

8. Any person who shall make to any county or town clerk authorized to issue licenses for the pursuit, hunting or killing of deer, bear or game birds a false statement concerning his residence or naturalization, and thereby obtain such a license therefor as only residents of this state and naturalized citizens are entitled to, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than four months nor more than one year, or in the state prison not exceeding one year.

9. Any person who shall change or alter in any manner a license for the pursuit, hunting or killing of deer and bear shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than six months nor exceeding one year.

10. It shall be the duty of each county or town clerk in this state to remit to the county treasurer of his county on the first day of each month, all moneys received by him for hunting or fishing licenses during the preceding month, less twenty-five cents for each license so issued, which shall cover the swearing of the applicant to the affidavit herein referred to and all other services under this act, and to report to the state forest, fish and game



commissioner the number of licenses issued, and the amount of money remitted to the county treasurer. He shall also keep in an index book to be furnished by the secretary of state, the names of all licenses in alphabetical order, said names to be entered at the time the licenses are issued. On the first day of December of each year and within ten days thereafter, each county or town clerk shall return to the secretary of state all unused licenses and affidavits and used and unused stubs of licenses issued.

11. Said county treasurer shall forthwith forward to the state treasurer all sums of money received by him for nonresident and unnaturalized persons' licenses, and one-half of all moneys received by him for resident licenses and the balance he shall hold in his hands to be used as hereinafter provided. The amount remaining in the hands of the county treasurer shall be paid out upon orders of the board of supervisors, but only for services rendered by sheriffs, constables, special game protectors and county game protectors, in enforcing the game and fish laws of this state in said county. All moneys to be retained by the county treasurer under the provisions of this section against which orders have not been drawn by the board of supervisors shall be covered in the state treasury at the expiration of one year after the year in which the license was issued. So much of said money as is covered into the state treasury shall be added to the special fund for the protection of forests, fish and game.

12. All such license moneys so received by the state treasurer shall be credited to the general fund.

§ 2. All acts or parts of acts heretofore passed, inconsistent with or contrary to the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

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(No. 12.)

AN ACT making appropriations for the support of government.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds

indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year nineteen hundred five, namely:

### FROM THE GENERAL FUND.

#### EXECUTIVE DEPARTMENT.

For the salaries:

of the governor, ten thousand dollars (\$10,000);

of the lieutenant-governor, five thousand dollars (\$5,000);

secretary to the governor, four thousand dollars (\$4,000);

counsel to the governor, five thousand dollars (\$5,000);

military secretary, two thousand dollars (\$2,000);

pardon clerk, three thousand dollars (\$3,000);

executive stenographer, two thousand five hundred dollars (\$2,500);

of several employees according to grades as follows:

seventh grade, one employee thirteen hundred dollars (\$1,300),

sixth grade, three employees thirty-three hundred dollars (\$3,300);

and for temporary and other services, eighteen hundred dollars (\$1,800), or so much thereof as may be necessary.

For blanks and books necessary for the use of the executive department, binding, printing, stationery, telegraphing, and other incidental expenses thereof three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, fourteen hundred and fifty dollars (re. \$1,450), or so much thereof as may be necessary, being the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three for such purposes, is hereby reappropriated for the same purposes.

For repairs, furniture and incidental expenses of the executive mansion and rent of stable, one thousand dollars (\$1,000), to be paid by the comptroller on the certificate of the governor; and in addition thereto the further sum of one thousand dollars (re.

\$1,000), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three for such purposes, is hereby reappropriated for the same purposes, the same to be paid on like certificate.

For the payment of notarial clerks, and expenses of notarial department, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary; and in addition thereto the further sum of fifteen hundred dollars (re. \$1,500), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for such purposes, is hereby reappropriated for the same purposes, the same to be paid by the treasurer on the warrant of the comptroller from moneys received for fees of notaries, and to be expended as follows:

For the salaries:

of the appointment clerk, twenty-five hundred dollars; of several employees according to grade as follows:

eighth grade, one employee, eighteen hundred dollars;

seventh grade, two employees, three thousand dollars; and for temporary and other services and expenses seven hundred dollars, or so much thereof as may be necessary.

For compensation, expenses and fees of witnesses upon applications for executive clemency, and for the apprehension of criminals and fugitives from justice, two hundred dollars (\$200), or so much thereof as may be necessary;

and in addition thereto the further sum of three hundred dollars (re. \$300), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three for such purposes, is hereby reappropriated for the same purposes.

## JUDICIARY.

### COURT OF APPEALS.

For the salaries:

of the judges of the court of appeals, seventy thousand five hundred dollars (\$70,500); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred

seventy-one, fourteen thousand dollars (\$14,000) ; for their additional expense allowance as provided by chapter six hundred and six of the laws of eighteen hundred and ninety-eight, eleven thousand nine hundred dollars (\$11,900) ;

of the state reporter, five thousand dollars (\$5,000) ; for clerk hire and additional assistance, seven thousand six hundred dollars (\$7,600), and for office expenses, one thousand dollars (\$1,000) ;

of the clerk of the court of appeals, five thousand dollars (\$5,000) ;

of the deputy clerk, three thousand dollars (\$3,000) ;

of the clerks in the office of the clerk, six thousand seven hundred dollars (\$6,700) ;

of the messenger to the clerk, twelve hundred dollars (\$1,200).

For compensation of clerks of judges of court of appeals, and for expenses incurred pursuant to chapter two hundred twenty-one, laws of eighteen hundred ninety-seven, five thousand two hundred dollars (\$5,200), or so much thereof as may be necessary ;

and the further sum of two thousand dollars (re. \$2,000) being a portion of the unexpended balance of appropriation made by chapter five hundred and ninety-eight, laws of nineteen hundred three, for such purposes, is hereby reappropriated for the same purposes ;

and for the salary of a confidential clerk, appointed by the chief judge of the court of appeals, twenty-five hundred dollars (\$2,500).

For furniture, books, binding, blanks, printing, calendars, and other necessary expenses of the office of the clerk of the court of appeals, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

For compensation of the crier, messenger and attendants of the court of appeals, fifteen thousand two hundred dollars (\$15,200), or so much thereof as may be necessary.

For the clerk of the court of appeals, for postage, and expense of transportation of all letters or official documents, or other matter sent by express or freight, including boxes or covering for same, eight hundred fifty dollars (\$850), or so much thereof as may be necessary.



## LIBRARIES.

For the thirteen judicial district libraries named in chapter four hundred, laws of eighteen hundred eighty, chapter four hundred forty-four, laws of eighteen hundred eighty-eight, and chapter two hundred thirty-one, laws of eighteen hundred ninety-five, and chapter thirty-two, laws of nineteen hundred two, and chapter two hundred fifty-four, laws of nineteen hundred two, six hundred dollars each (\$7,800), or so much thereof as may be necessary.

For maintaining the library of the judges of the court of appeals, twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the payment of the services of the librarian of the court of appeals library at Syracuse, six hundred dollars (\$600), to be paid upon vouchers approved by the presiding justice of the appellate division of the fourth judicial department; and for the payment of the librarian of the law library of the appellate division of the supreme court, fourth judicial department, two thousand dollars (\$2,000), which latter amount is to be refunded pursuant to the provisions of chapter two hundred fifty-eight, laws of nineteen hundred.

For the library of the supreme court, appellate division of the second judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court.

For the library of the supreme court, appellate division of the third judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court.

For the law library of the appellate division of the supreme court, fourth judicial department, for the purchase of books and supplies for said library, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the salaries of the consultation clerk for the appellate division of the fourth department, two thousand one hundred dollars (\$2,100) and of the assistant to the clerk of said appellate division, one thousand dollars (\$1,000), to be refunded to the treasury as provided by section two hundred twenty-one of the code of civil procedure.



For the maintenance of the library of the appellate division of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the maintenance of the library of the trial terms of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the maintenance of the eighth judicial district library at Buffalo, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### SUPREME COURT.

For the salaries of the justices of the supreme court, four hundred thirty-two thousand dollars (\$432,000); and for the expenses of said justices, other than those in the first judicial district, as provided by chapter five hundred forty-one, laws of eighteen hundred seventy-two, sixty-two thousand four hundred dollars (\$62,400).

For compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to be refunded to the treasury, pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one, twenty thousand six hundred dollars (\$20,600).

For the compensation of deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, fourteen thousand three hundred dollars (\$14,300), to be refunded to the treasury as provided by chapter ninety-nine, laws of eighteen hundred ninety-six, chapter two hundred twenty-three, laws of eighteen hundred ninety-seven, chapter four hundred fifty, laws of nineteen hundred, and chapter five hundred ninety-seven, laws of nineteen hundred two.

For the necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to chapter three hundred ninety, laws of eighteen hundred ninety-six, and chapter four hundred sixty-eight, laws of nineteen hundred one, twenty-five thousand dollars (\$25,000).

For the justices of the supreme court in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter seven hundred sixty-five, laws of

eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three, and pursuant to chapter one hundred thirty-one, laws of eighteen hundred ninety-eight, forty-one thousand two hundred dollars (\$41,200); and for the stenographers appointed under said first-named act, as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, for compensation, ten thousand five hundred dollars (\$10,500); said amounts to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof.

For trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual traveling and other expenses incurred, pursuant to chapter four hundred thirty-one, laws of nineteen hundred, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred fifty-eight and two hundred fifty-nine of the code of civil procedure, sixty-two thousand five hundred dollars (\$62,500), to be refunded to the treasury pursuant to chapter four hundred twenty-six, laws of eighteen hundred ninety.

For additional stenographers in the third and fourth judicial districts, for necessary compensation, expenses and stationery, ten thousand dollars (\$10,000), to be refunded to the treasury pursuant to chapter two hundred fifty-eight, laws of eighteen hundred ninety-three.

For compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of Kings, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-two, laws of eighteen hundred ninety-six.

For compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, six thousand dollars (\$6,000), or so much thereof as may be necessary, to

be refunded to the treasury pursuant to chapter eight hundred ninety-three, laws of eighteen hundred ninety-six, and chapter one hundred forty-five, laws of eighteen hundred ninety-seven.

For compensation of confidential clerks to resident trial justices of the supreme court in the sixth and seventh judicial districts, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, nine thousand six hundred dollars (\$9,600), or so much thereof as may be necessary.

For compensation of confidential clerks to resident trial justices of the supreme court in the eighth judicial district, to be refunded to the treasury, pursuant to chapter one hundred six, laws of eighteen hundred ninety-nine, eighty-four hundred dollars (\$8,400), or so much thereof as may be necessary.

For compensation of confidential clerks to the justices of the supreme court designated to the appellate division of the second department, twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred.

For expenses of the appellate divisions of the supreme court, for compensation of clerks, criers, attendants, and of stenographers and clerks to the judges, and for their necessary expenses, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

#### MISCELLANEOUS REPORTER.

For salary of miscellaneous reporter, pursuant to chapter five hundred ninety-eight, laws of eighteen hundred ninety-two, four thousand five hundred dollars (\$4,500).

For assistants, clerk hire, and office expenses, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

#### COURT OF CLAIMS.

For the salaries:

of judges of the court of claims, fifteen thousand dollars (\$15,000); and for their necessary expenses while in the discharge of their official duties, including all expenses while attending sessions of the court, eight hundred dollars each (\$2,400), payable monthly;  
clerk, four thousand dollars (\$4,000);

of deputy clerk, two thousand five hundred dollars (\$2,500);  
 court stenographer, two thousand five hundred dollars  
 (\$2,500);

of the several employees, according to grade, as follows:

sixth grade, marshal, including his services as messenger,  
 one thousand, two hundred dollars (\$1,200).

fourth grade, two employees, one thousand four hundred forty  
 dollars (\$1,440).

For contingent fund, two thousand six hundred dollars  
 (\$2,600), or so much thereof as may be necessary.

### LEGISLATURE.

For the compensation and mileage of members and officers of  
 the legislature, four hundred eighty-three thousand dollars  
 (\$483,000), or so much thereof as may be necessary.

For advances by the comptroller to the clerks of the senate  
 and assembly, for contingent expenses, including stationery,  
 printing and other legislative supplies, twenty-five thousand dol-  
 lars (\$25,000), or so much thereof as may be necessary.

For postage, expenses of committees, compensation of witnesses,  
 legislative manual, clerk's manual, indexing the bills, journals and  
 documents of the senate and assembly, and other contingent ex-  
 penses of the legislature, thirty thousand dollars (\$30,000), or  
 so much thereof as may be necessary.

### OFFICE OF THE SECRETARY OF STATE.

For the salaries:

of the secretary of state, five thousand dollars (\$5,000);

deputy secretary of state, four thousand dollars (\$4,000);

chief clerk, two thousand eight hundred dollars (\$2,800);

of the several employees, according to grades, as follows:

tenth grade, two employees, two thousand four hundred dol-  
 lars each, (\$4,800).

one employee, two thousand two hundred dol-  
 lars (\$2,200).

ninth grade, two employees, two thousand dollars each,  
 (\$4,000).

seventh grade, four employees, one thousand five hundred dol-  
 lars each (\$6,000).



sixth grade, five employees, one thousand two hundred dollars each (\$6,000).

three employees, one thousand dollars each (\$3,000).

fifth grade, five employees, nine hundred dollars each (\$4,500).

third grade, one employee, six hundred dollars (\$600).

For the expenses and disbursements of the secretary of state, which shall be allowed to him in lieu of and in full of expenses, one thousand dollars (\$1,000), payable quarterly.

For the expenses and disbursements of the deputy secretary of state, which shall be allowed to him in lieu of and in full of expenses, five hundred dollars (\$500), payable quarterly.

For furniture, books, binding, blanks, printing and other office expenses of the secretary of state, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For postage and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### OFFICE OF THE COMPTROLLER.

For the salaries:

of the comptroller, six thousand dollars (\$6,000).

deputy comptroller, four thousand five hundred dollars (\$4,500).

second deputy comptroller. four thousand dollars (\$4,000).

private secretary to the comptroller, twenty-seven hundred dollars (\$2,700).

of the several employees, according to grades, as follows:

#### FINANCE BUREAU.

tenth grade, one employee, two thousand four hundred dollars (\$2,400).

one employee, two thousand three hundred dollars (\$2,300).

ninth grade, one employee, two thousand dollars (\$2,000).

eighth grade, one employee, one thousand eight hundred dollars (\$1,800).



eighth grade, one employee, one thousand six hundred dollars (\$1,600).  
 seventh grade, three employees, one thousand five hundred dollars each (\$4,500).  
 sixth grade, two employees, one thousand two hundred dollars each (\$2,400).  
 two employees, one thousand dollars each (\$2,000).  
 fifth grade, one employee, eight hundred dollars (\$800).

## LAND BUREAU.

chief tax clerk, two thousand eight hundred dollars (\$2,800).  
 ninth grade, one employee, two thousand dollars (\$2,000).  
 eighth grade, two employees, one thousand eight hundred dollars each (\$3,600).  
 one employee, one thousand six hundred dollars (\$1,600).  
 seventh grade, six employees, one thousand five hundred dollars each (\$9,000).  
 one employee, one thousand three hundred dollars (\$1,300).  
 sixth grade, one employee, one thousand dollars (\$1,000).

## TRANSFER TAX BUREAU.

chief clerk, three thousand dollars (\$3,000).  
 ninth grade, one employee, two thousand one hundred dollars (\$2,100).  
 eighth grade, one employee, one thousand eight hundred dollars (\$1,800).  
 seventh grade, four employees, fifteen hundred dollars each (\$6,000).  
 one employee, fourteen hundred dollars (\$1,400).  
 fifth grade, one employee, nine hundred dollars (\$900).  
 fourth grade, one employee, seven hundred twenty dollars (\$720).  
 third grade, one employee, six hundred dollars (\$600).

For printing, telegraphing and other expenses of bureau, two thousand nine hundred dollars (\$2,900), or so much thereof as may be necessary.

## CORPORATION TAX BUREAU.

chief clerk, three thousand five hundred dollars (\$3,500).

eighth grade, one employee, one thousand eight hundred dollars (\$1,800).

seventh grade, three employees, one thousand five hundred dollars each (\$4,500).

one employee, one thousand four hundred dollars (\$1,400).

sixth grade, three employees, one thousand two hundred dollars each (\$3,600).

fifth grade, one employee, nine hundred dollars (\$900).

commissioner, New York office, three thousand dollars (\$3,000).

seventh grade, one employee, one thousand five hundred dollars (\$1,500).

sixth grade, one employee, one thousand two hundred dollars (\$1,200).

The sum of three thousand five hundred dollars (re. \$3,500), being a portion of the appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for corporation tax commissioners, is hereby reappropriated for employees, not to exceed three in number, and for temporary services and expenses.

For rent of office in New York, for printing, telegraphing and other expenses of bureau four thousand dollars (\$4,000), or so much thereof as may be necessary.

## MISCELLANEOUS.

For the comptroller, one thousand dollars (\$1,000); for the deputy comptroller, one thousand dollars (\$1,000); for the second deputy comptroller, seven hundred fifty dollars (\$750); for the expenses and disbursements of each, respectively, which several sums shall be allowed to each, in lieu of and in full for expenses payable quarterly.

For messenger and other service:

fifth grade, one employee, nine hundred dollars (\$900).

fourth grade, one employee, seven hundred twenty dollars (\$720).

second grade, one employee, three hundred sixty-five dollars (\$365).

For temporary clerical and other service, five hundred dollars (\$500).

For furniture, books, binding, blanks, printing and other expenses of the office of the comptroller, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one, laws of eighteen hundred ninety-two, for services of examiners, sixteen thousand two hundred dollars (\$16,200); for traveling expenses of examiners, eight thousand dollars (\$8,000), and for printing and other expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

For postage and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the comptroller for protecting and perfecting the state's title to lands, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

#### BUREAU OF CANAL AFFAIRS.

##### *Payable from Canal Fund.*

chief clerk, two thousand eight hundred dollars (\$2,800).

eighth grade, one employee, one thousand seven hundred dollars (\$1,700).

one employee, one thousand six hundred dollars (\$1,600).

fifth grade, one employee, nine hundred dollars (\$900).

For the payment of incidental and miscellaneous expenses of the bureau of canal affairs, chargeable to the Erie and Champlain canal fund, and the canal debt sinking fund, four thousand seven hundred ninety-five dollars (\$4,795), to be expended as follows:

For messenger service, two hundred eighty dollars, or so much thereof as may be necessary; for night watchman, three hundred sixty-five dollars; for the Bank of Manhattan Company, New York, for keeping transfer office and for stationery for same, one thousand four hundred dollars.

For salary of transfer agent, seven hundred fifty dollars.

For printing, advertising and other necessary expenses of the bureau, two thousand dollars, or so much thereof as may be necessary.

#### STATIONERY.

For stationery for the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, superintendent of public instruction, regents of the university, adjutant-general, clerk of the court of appeals, state board of charities, state department of health, civil service commission, superintendent of public buildings, fiscal supervisor of state charities, and department of labor, eleven thousand dollars (\$11,000), or so much thereof as may be necessary.

#### OFFICE OF THE TREASURER.

For the salaries:

- of the treasurer, five thousand dollars (\$5,000) ;
- deputy treasurer, four thousand dollars (\$4,000) ;
- accountant and transfer clerk, two thousand four hundred dollars (\$2,400) ;
- cashier, two thousand four hundred dollars (\$2,400).
- of the several employees, according to grades, as follows:
- tenth grade, one employee, two thousand four hundred dollars (\$2,400).
- eighth grade, one employee, one thousand eight hundred dollars (\$1,800).
- seventh grade, two employees, one thousand five hundred dollars each (\$3,000).
- one employee, one thousand three hundred twenty dollars (\$1,320).
- sixth grade, one employee, four hundred twenty-five dollars (\$425), and in addition thereto there is hereby reappropriated for the same purpose the sum of five hundred seventy-five dollars (re. \$575), being a portion of the unexpended balance of appropriation made by chapter seven hundred twenty-eight, of the laws of nineteen hundred and four, for the salary of the corporation clerk in said office.

fourth grade, two employees, seven hundred twenty dollars each (\$1,440).

For postage and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, six hundred dollars (\$600), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other office expenses of the treasurer, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses and disbursements of the treasurer, which shall be allowed to him in lieu of and in full of expenses, one thousand dollars (\$1,000), payable quarterly.

For the expenses and disbursements of the deputy treasurer, which shall be allowed to him in lieu of and in full of expenses, five hundred dollars (\$500), payable quarterly.

#### OFFICE OF THE ATTORNEY-GENERAL.

For the salaries:

- of the attorney-general, five thousand dollars (\$5,000);
- first and second deputies in the office of the attorney-general, eight thousand dollars (\$8,000);
- four deputies at four thousand dollars each, sixteen thousand dollars (\$16,000);
- one deputy, two thousand five hundred dollars (\$2,500);
- one deputy, two thousand dollars (\$2,000);
- one assistant deputy, three thousand dollars (\$3,000);
- one assistant deputy, two thousand four hundred dollars (\$2,400);
- land and tax clerk, two thousand five hundred dollars (\$2,500);
- first confidential clerk, one thousand five hundred dollars (\$1,500);
- private secretary, one thousand five hundred dollars (\$1,500);
- of the confidential messenger and custodian of books, papers and property in the office of the attorney-general, one thousand two hundred dollars (\$1,200);



of the several employees according to grades as follows:

eighth grade, two employees, one thousand five hundred dollars each (\$3,000); one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

third grade, one employee, six hundred dollars (\$600).

For expenses of the deputies, stenographers, clerks and messengers in the course of duty, other than the first and second deputies, eight hundred dollars (\$800), or so much thereof as may be necessary.

For the expenses of the office of the attorney-general, including furniture, books, binding, blanks, printing, postage, expense of transportation of letters, documents or other matter, sent by express or freight, including boxes or other covering for the same, and telegraph and telephone expenses, messenger service, and other expenses of the attorney-general in the conduct of his office, four thousand six hundred dollars (\$4,600), or so much thereof as may be necessary.

For costs of suits, fees of sheriffs, and compensation of witnesses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses and disbursements of the attorney-general which shall be allowed to him in lieu of and in full of expenses, two thousand five hundred dollars (\$2,500), payable monthly.

For the expenses and disbursements of the first and second deputies of the attorney-general while in the discharge of their duties in lieu of and in full of such expenses, one thousand eight hundred dollars each (\$3,600), payable monthly.

For the New York city bureau of the attorney-general's office:  
For the salaries:

of the deputy, four thousand dollars (\$4,000);

two assistants, five thousand two hundred dollars (\$5,200);

of the several employees according to grades, as follows:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

third grade, two employees, six hundred dollars each (\$1,200);

second grade, one employee, four hundred twenty dollars (\$420) ;

for the compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-general or the New York city deputy of the attorney-general, and each designation to specify the number of days of service to be rendered, for office rent, postage, telegraph and telephone expenses, blank books, stationery, and other necessary expenses, incidental to the conduct of the office, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

Said New York city bureau shall keep a docket, in which shall be entered a record of all cases and proceedings pending, of a civil or criminal nature, in which the people of the state of New York, or any officer or department of the state, shall be a party, represented by the said New York city deputy or his assistant or special counsel, and shall make a report daily of his proceedings in all such cases and proceedings to the attorney-general. The said New York city deputy shall have, under the direction of the attorney-general, immediate charge of all matters referred to in section fifty-seven of the executive law, the agricultural law, and all matters in which the attorney-general represents the state, arising or existing within the limits of New York city. All fees, costs and fines collected by the New York city deputy or by his assistants, shall, on the day of the receipt thereof, be transmitted to the attorney-general, who shall deposit the same with the treasurer of the state of New York.

The attorney-general is hereby authorized to employ as many deputies, clerks, stenographers and messengers as he may deem necessary, and to fix their salaries, except when fixed by law ; but the aggregate salaries for such clerical force, stenographers and messengers shall not exceed the sum hereinabove appropriated for such service.

#### OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the salaries:

of the state engineer and surveyor, five thousand dollars (\$5,000) ;

deputy state engineer and surveyor, four thousand dollars (\$4,000) ;

of the chief clerk, three thousand dollars (\$3,000) ;  
 of the several employees, according to grades, as follows :  
 ninth grade, one employee, two thousand dollars (\$2,000) ;  
 eighth grade, one employee, one thousand eight hundred dollars (\$1,800) ;  
 sixth grade, one employee, one thousand one hundred dollars (\$1,100) ;  
 three employees, one thousand dollars each (\$3,000) ;  
 third grade, one employee, six hundred dollars (\$600) ;  
 one employee, five hundred forty dollars (\$540).

For postage and expense of transportation of letters, official documents, or other matter sent by express or freight, including boxes or covering for same, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other office expenses of the state engineer and surveyor, two thousand one hundred dollars (\$2,100), or so much thereof as may be necessary.

#### PAYABLE FROM THE CANAL FUND.

For traveling expenses of the state engineer and surveyor, two thousand dollars (\$2,000) ; for the traveling expenses of the deputy state engineer and surveyor, one thousand dollars (\$1,000), payable quarterly to each in full for all such expenses.

For salaries and compensation of the engineers employed upon the ordinary repairs of canals, including the incidental expenses of such engineers, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

#### DEPARTMENT OF EDUCATION.

##### COMMISSIONER'S OFFICE.

For the salaries :

of the commissioner of education, seven thousand five hundred dollars (\$7,500) and one thousand five hundred dollars (\$1,500) as provided by chapter forty, laws of nineteen hundred four, in lieu and in full for his traveling and other expenses ;

first assistant commissioner, five thousand dollars (\$5,000) ;

of the second assistant commissioner, five thousand dollars (\$5,000);

third assistant commissioner, five thousand dollars (\$5,000);

secretary to the commissioner, two thousand five hundred dollars (\$2,500).

For the salaries of the several employees according to grades, as follows:

seventh grade, two employees, one thousand five hundred dollars each (\$3,000);

sixth grade, four employees, one thousand two hundred dollars each (\$4,800);

one employee, one thousand dollars (\$1,000);

fifth grade, four employees, nine hundred dollars each (\$3,600);

fourth grade, three employees, seven hundred twenty dollars each (\$2,160);

third grade, one employee, six hundred dollars (\$600);

second grade, four employees, four hundred eighty dollars each (\$1,920).

#### ACCOUNTS DIVISION.

chief, two thousand five hundred dollars (\$2,500);

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

third grade, two employees, six hundred dollars each (\$1,200).

#### COMPULSORY ATTENDANCE DIVISION.

chief, three thousand dollars (\$3,000);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000).

#### EXAMINATIONS DIVISION.

chief, four thousand dollars (\$4,000);

assistant in charge of teachers' examinations, three thousand dollars (\$3,000);

assistant in charge of foreign credentials, two thousand seven hundred dollars (\$2,700) ;

examiner in drawing, two thousand five hundred dollars (\$2,500) ;

tenth grade, three employees, two thousand four hundred dollars each (\$7,200) ;

eighth grade, three employees, one thousand eight hundred dollars each (\$5,400) ;

sixth grade, ten employees, one thousand two hundred dollars each (\$12,000) ;

four employees, one thousand dollars each (\$4,000) ;

fifth grade, nineteen employees, nine hundred dollars each (\$17,100) ;

fourth grade, ten employees, seven hundred twenty dollars each (\$7,200) ;

third grade, ten employees, six hundred dollars each (\$6,000) ;

second grade, four employees, four hundred eighty dollars each (\$1,920) ;

first grade, one employee, three hundred sixty dollars (\$360).

#### INSPECTIONS DIVISION.

chief, three thousand five hundred dollars (\$3,500) ;

two inspectors, three thousand dollars each (\$6,000) ;

six inspectors, two thousand five hundred dollars each (\$15,000) ;

ninth grade, four employees, two thousand dollars each (\$8,000) ;

sixth grade, one employee, one thousand two hundred dollars (\$1,200) ;

sixth grade, two employees, one thousand dollars each (\$2,000).

#### LAW DIVISION.

chief, three thousand five hundred dollars (\$3,500) ;

seventh grade, one employee, one thousand four hundred dollars (\$1,400).



## RECORDS DIVISION.

chief, two thousand five hundred dollars (\$2,500) ;  
sixth grade, one employee, one thousand two hundred dollars (\$1,200) ;  
fourth grade, three employees, seven hundred twenty dollars each (\$2,160).

## STATISTICS DIVISION.

chief, two thousand five hundred dollars (\$2,500) ;  
sixth grade, two employees, one thousand two hundred dollars each (\$2,400) ;  
fourth grade, one employee, seven hundred twenty dollars (\$720) ;  
third grade, two employees, six hundred dollars each (\$1,200).

## DIVISION OF LIBRARIES.

*State Library, Home Education and Library School.*

director, five thousand dollars (\$5,000) ;  
tenth grade, three employees, two thousand four hundred dollars each (\$7,200) ;  
ninth grade, four employees, two thousand one hundred dollars each (\$8,400) ;  
eighth grade, three employees, one thousand eight hundred dollars each (\$5,400) ;  
seventh grade, three employees, one thousand five hundred dollars each (\$4,500) ;  
sixth grade, eight employees, one thousand two hundred dollars each (\$9,600) ;  
fifth grade, fifteen employees, nine hundred dollars each (\$13,500) ;  
fourth grade, two employees, seven hundred twenty dollars each (\$1,440) ;  
third grade, twenty-one employees, six hundred dollars each (\$12,600) ;  
second grade, fifteen employees, four hundred eighty dollars each (\$7,200) ;  
first grade, eight employees, three hundred sixty dollars each (\$2,880).

For books, serials and binding pursuant to chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000) ;

For the state medical library for books, serials and binding pursuant to chapter three hundred seventy-seven, laws of eighteen hundred ninety-one, two thousand dollars (\$2,000) ;

For books to be loaned free to the blind of the state one thousand dollars (\$1,000) ;

For grants of public money for the benefit of free libraries, in accordance with sections fourteen, forty-seven, forty-eight, and fifty of chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty-four thousand dollars (\$24,000) ;

For traveling books and pictures for home education department, eight thousand dollars (\$8,000).

#### DIVISION OF SCIENCE.

director, state geologist and paleontologist, three thousand six hundred dollars (\$3,600) ;

state botanist, two thousand four hundred dollars (\$2,400) ;

state entomologist, two thousand four hundred dollars (\$2,400) ;

ninth grade, two employees, two thousand dollars each (\$4,000) ;

seventh grade, one employee, one thousand five hundred dollars (\$1,500) ;

two employees, one thousand four hundred dollars each (\$2,800) ;

sixth grade, four employees, one thousand two hundred dollars each (\$4,800) ;

one employee, one thousand twenty dollars (\$1,020) ;

fifth grade, one employee, nine hundred dollars (\$900) ;

one employee, seven hundred eighty dollars (\$780) ;

fourth grade, two employees, seven hundred twenty dollars each (\$1,440) ;

third grade, three employees, six hundred dollars each (\$1,800) ;

second grade, two employees, four hundred eighty dollars each (\$960) ;

For the expenses of the director and his assistants and for necessary temporary services in preserving and increasing the various scientific collections, and for field operations and scientific investigations, eleven thousand dollars (\$11,000).

#### TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, other than the division of science and teachers' institutes, seventeen thousand dollars (\$17,000). No payments for temporary services in said department shall be made from any other appropriation in this act, except in the division of science and for teachers' institutes and for visual instruction.

#### POSTAGE, EXPRESS, ETC.

For postage, telephone and telegraph charges and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or coverings for same, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

#### PRINTING.

For all department printing and engraving, including trustees' reports, school registers, and the Arbor Day circular, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary. No payments for printing for the department of education shall be made from any other appropriation in this act.

#### TRAVELING EXPENSES.

For traveling expenses which may be incurred in the visitation and inspection of common schools, high schools, academies, Indian schools, normal schools, colleges, universities, libraries and other institutions under the supervision of this department; for the proper representation of this department at meetings of educational and other associations, and for all other necessary traveling expenses, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary. No payment for traveling expenses for said department except for the division of science and for teachers' institutes shall be made from any other appropriation in this act.

## OFFICE EXPENSES AND CARE OF ROOMS.

For office expenses and for the care of that portion of the capitol set apart for the University of the State of New York occupied by the several divisions of this department and for rent paid for storage, twenty-four thousand dollars (\$24,000), or so much thereof as may be necessary, to be expended as follows:

For services of elevator men, porters, laborers, cleaners, for care of rooms occupied by this department, in the basement, and on the first, third, fourth, fifth, sixth and seventh floors of the capitol, including the state library, twelve thousand dollars (\$12,000).

For rent of malthouse for storage, one thousand dollars.

For shelving in state library, one thousand dollars (\$1,000).

For furniture, supplies, office fixtures, for power for two elevators, and for all other necessary expenses, ten thousand dollars (\$10,000).

## VISUAL INSTRUCTION.

For continuing the instruction in natural history, geography and kindred subjects in the several state normal schools, the normal college of the city of New York, the training schools for teachers in the city of New York, the teachers' institutes in the counties of the state and for complying with the provisions of chapter four hundred eighty-nine, laws of eighteen hundred ninety-nine, extending such instruction to the cities and villages of the state that have or may have a local superintendent of schools, twenty thousand dollars (\$20,000), or so much thereof as may be necessary. The commissioner of education is hereby empowered to appoint such assistants as he may deem necessary to carry out the provisions of this item. He shall certify to the comptroller not later than December first, nineteen hundred five, the names of such persons as he may appoint for this purpose and the amount of salary to be paid to each.

## SCHOOL COMMISSIONERS.

For the salaries of the school commissioners, one hundred thirteen thousand dollars (\$113,000), payable one thousand dollars to each commissioner in the state.

## TEACHERS' INSTITUTES.

For the maintenance of teachers' institutes pursuant to chapter five hundred fifty-six, laws of eighteen hundred ninety-four, for the maintenance of summer institutes pursuant to chapter one hundred fifty-six, laws of eighteen hundred ninety-six, and for the maintenance of city institutes, sixty thousand dollars (\$60,000), to be expended as follows:

For the salaries:

- of five institute conductors, each three thousand dollars;
- special instructor in drawing, two thousand two hundred dollars;
- special instructor in primary work, reading and literature, two thousand dollars;
- special instructor in English, one thousand five hundred dollars;

for necessary expenses including services of additional special instructors of teachers' institutes, city institutes and three summer institutes to be held at Chautauqua, Thousand Island Park and Cliff Haven, thirty-nine thousand three hundred dollars.

Any sum appropriated for the payment of salaries in this item for maintenance of teachers' institutes remaining unexpended by reason of vacancy in positions or reduction in compensation shall be available for the employment of special instructors temporarily designated to assist at teachers' institutes.

## TRAINING OF TEACHERS.

For payment to academies and union schools designated by the commissioner of education for the professional training of teachers, pursuant to chapter five hundred fifty-six, laws of eighteen hundred ninety-four, and for the professional training of teachers in cities and villages of the state employing a local superintendent of schools, in accordance with the provisions of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five, one hundred thousand dollars (\$100,000). Not more than one hundred fifteen training classes shall be established by the commissioner of education in any one year under the provisions of chapter five hundred fifty-six, laws of eighteen hundred ninety-four. Five hundred dollars shall be paid



to each school maintaining a class of not less than ten pupils, in accordance with rules and regulations established by the commissioner of education, and such balance as shall remain shall be apportioned among such training classes ratably on the basis of the number of teachers instructed therein in excess of said number.

#### MAINTENANCE OF INDIAN SCHOOLS.

For the support of Indian schools, nine thousand dollars (\$9,000), or so much thereof as may be necessary.

#### INDIAN EDUCATION IN NORMAL SCHOOLS.

For the support and education of Indian youth in the state normal and training schools pursuant to the provisions of chapter eighty-nine, laws of eighteen hundred fifty, one thousand dollars (\$1,000).

#### NORMAL SCHOOLS.

For the support and maintenance of the state normal and training schools, three hundred ninety-five thousand dollars (\$395,000) or so much thereof as may be necessary, payable upon bills approved by the commissioner of education, from which amount there shall be paid:

For the salaries:

of the president of the state normal college at Albany, four thousand dollars;

principals of the state normal schools at Buffalo, Brockport, New Paltz and Potsdam, three thousand dollars each;

principals at Cortland, Fredonia, Geneseo, Jamaica, Oneonta, Oswego and Plattsburg, where residences are not furnished by the state, three thousand three hundred dollars each.

#### COMMON SCHOOLS.

For the support of the common schools of the state, four million one hundred fifty thousand dollars (\$4,150,000), or so much thereof as may be necessary to make the distribution herein provided for, to be apportioned by the commissioner of education, as follows:

To each city, eight hundred dollars.

To each village which has a population of five thousand as shown by the last state census, or federal village enumeration, and which employs a superintendent of schools, eight hundred dollars.

To each union school district which has a population of five thousand, and which employs a superintendent of schools, eight hundred dollars. An apportionment under either of the first three subdivisions hereof is known as a supervision quota.

He shall set apart for a contingent fund not more than ten thousand dollars.

From the remainder, to each district having an assessed valuation of forty thousand dollars or less, as appears by the report of the trustees upon which such apportionment is based, and to each Indian reservation for each teacher and his successors employed therein for the period of one hundred sixty or more days during the school year, one hundred fifty dollars; and to each of the remaining districts, and to each of the cities of the state, one hundred twenty-five dollars. The apportionment provided for by this subdivision shall be known as a district quota.

To each such district or city for each additional qualified teacher and his successors by whom the common school has been taught, during the period of time required by the school law, one hundred dollars; but pupils employed as monitors or otherwise, shall not be deemed teachers. The apportionment provided for by this subdivision shall be known as a teacher's quota.

#### CITIES, ACADEMIES, ACADEMIC DEPARTMENTS AND LIBRARIES.

For the cities, union school districts, academies maintaining academic departments, and public school libraries, five hundred sixty thousand dollars (\$560,000) to be apportioned by the commissioner of education in accordance with regulations established or to be established by him, as follows:

To each city, union school district and nonsectarian academy maintaining an academic department, certified to the comptroller by the commissioner of education as having complied with all regents' laws and ordinances during the preceding academic year, and as being entitled to share in the academic fund a quota of one hundred dollars for each such academic department maintained therein

To each nonsectarian private academy, certified as above, an allowance equal to the amount raised from local sources but not to exceed two hundred fifty dollars annually for approved books and apparatus.

To each city an allowance equal to the amount raised from local sources but not to exceed eighteen dollars and two dollars additional for each duly licensed teacher employed therein for the legal term, and two hundred fifty dollars for each academic department maintained by it and certified as above, for approved books and apparatus.

To each union school district maintaining an academic department and certified as above, an allowance equal to the amount raised from local sources but not to exceed two hundred sixty-eight dollars annually and two dollars additional for each teacher employed in said district for the legal term for approved books and apparatus.

To all other school districts an allowance equal to the amount raised from local sources but not to exceed eighteen dollars annually and two dollars additional for each duly licensed teacher employed in said district for the legal term, for approved books.

To each public school maintaining an academic department and maintaining a course of study approved by the commissioner of education and complying with all regents laws and ordinances during the preceding academic year twenty dollars per year for a school year of at least thirty-two weeks, or a proportionate amount for a period of not less than eight weeks for each nonresident pupil attending the academic department of such school from districts in this state not maintaining such academic department and who shall be admitted to such academic department without other expense for tuition than that provided herein.

After the payment of the allowances herein provided for, the balance shall be divided among the several cities, school districts and academies maintaining academic departments certified as above on the basis of aggregate days attendance of academic pupils therein.

The allowance for books and apparatus shall be paid to the several academies and districts entitled to participate in the same

as often during each year as the commissioner of education may determine.

The commissioner of education shall set aside at the beginning of the fiscal year from the appropriation herein made a sum which in his opinion shall be sufficient to pay the allowances for books and apparatus herein provided before making the other apportionment as directed by this act.

All apportionments from this appropriation, excepting for books and apparatus, shall be made during the month of October each year on the basis of the reports of the previous year from the several schools entitled to participate therein.

Payment from this fund shall be made to the county treasurer of each county for all schools located in such county, by the state treasurer on the warrant of the comptroller on the certificate of the commissioner of education showing the schools entitled to such apportionment and the amount to which each is entitled.

The commissioner of education immediately after making an apportionment shall certify to the county treasurer of every county included in such apportionment excepting those counties included within the territory of the city of New York, with respect to his county, the name of each academy, the number of each school district and the town in which it is situated and the name of each city to which money has been allotted and the amount allotted to each. The county treasurer shall, upon the receipt of such certificate and payment from the state treasurer, pay to the treasurer, if there be one, otherwise to the disbursing officer or collector of each school district, academy and city named in the certificate of the commissioner of education the amount to which said district, academy or city is entitled as shown by such certificate.

Any apportionment which shall be made to the city of New York shall be certified and paid to the chamberlain of the city of New York, and any apportionment which shall be made to any private academy situated within the territory of the city of New York shall be certified and paid directly to the disbursing officer of the academy to which the apportionment is made. The county treasurers of the state shall, upon the first day of October of each year and at such other times as the commissioner of educa-



tion may require, make a report for the preceding year to the commissioner of education, showing the amount of money received by them from this fund and the school districts, cities or academies to which such money has been paid and the amount paid to each, and the amount, if any, remaining in their hands unclaimed by any school district, city or academy together with any other facts relative to the disbursement of this fund which said commissioners may require.

No school shall participate in any of the above apportionments unless a satisfactory report for the year preceding is filed with the commissioner of education before the twentieth day of September each year unless such neglect is excused by the commissioner of education for sufficient reason.

The comptroller is hereby authorized to transfer to the general fund to meet the payments applicable thereto for educational purposes, so much of the revenues of the trust funds as may be necessary or which the investments will yield, not to exceed the sum of three hundred forty-nine thousand five hundred dollars, distributed as follows:

Common school fund, one hundred seventy-seven thousand dollars;

Literature fund, twelve thousand dollars,

United States deposit fund, one hundred sixty thousand five hundred dollars.

#### DEPARTMENT OF AGRICULTURE.

For the salaries:

of the commissioner of agriculture, four thousand dollars (\$4,000);

assistant commissioners, eighteen thousand dollars (\$18,000);

six cheese instructors, twelve hundred dollars each (\$7,200);

four butter instructors, twelve hundred dollars each (\$4,800);

thirty-three special agents, eleven hundred dollars each (\$36,300);

five inspectors, one thousand dollars each (\$5,000);



of the six inspectors, eight hundred dollars each (\$4,800) ;  
 chief chemist, two thousand dollars (\$2,000) ;  
 chemist, and other scientific employees, ten thousand  
 dollars (\$10,000), or so much thereof as may be  
 necessary ;  
 veterinarians, three thousand five hundred dollars  
 (\$3,500), or so much thereof as may be necessary.

of the several employees, according to grades, as follows :

eighth grade, one employee, one thousand eight hundred dol-  
 lars (\$1,800).

seventh grade, one employee, one thousand four hundred dol-  
 lars (\$1,400).

sixth grade, one employee, one thousand dollars (\$1,000).

fifth grade, three employees, nine hundred dollars each  
 (\$2,700).

one employee, eight hundred forty dollars  
 (\$840).

fourth grade, one employee, seven hundred twenty dollars  
 (\$720).

For traveling and other expenses of the assistant commission-  
 ers, and employees other than the assistant commissioner located  
 at Albany, and for all necessary expenses of the department,  
 fifty-two thousand dollars (\$52,000), or so much thereof as may  
 be necessary.

For maintenance of farmers' institutes held under the auspices  
 of the commissioner of agriculture, to be paid upon the order of  
 said commissioner, and certified in sums as needed, and for which  
 vouchers for expenditures duly audited and verified by him shall  
 be rendered, twenty thousand dollars (\$20,000).

No more than ten assistant commissioners shall be employed  
 by the commissioner of agriculture for said department. The  
 assistant residing in the city of Albany shall receive as salary  
 two thousand five hundred dollars, and the assistant commis-  
 sioner residing in the city of New York shall receive an annual  
 salary of two thousand five hundred dollars, and such traveling  
 expenses as may be necessary, when away from home on busi-  
 ness of said department.

The other assistant commissioners shall receive such salaries,  
 not exceeding fifteen hundred dollars each, as shall be fixed by

the commissioner of agriculture, and all necessary expenses incurred in the performance of their duties.

To the commissioner of agriculture fifteen hundred dollars (\$1,500) in lieu of and in full for all traveling and other expenses of himself and of the assistant commissioner located at Albany, incurred by either of them in the discharge of their official duties, payable in equal monthly installments.

#### NURSERY INSPECTION.

For commissioner of agriculture for the purpose of investigation and extermination of San Jose scale and other dangerously infectious or contagious insect pest or pests, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### AGRICULTURAL SOCIETIES.

For the promotion of agriculture in this state, five thousand dollars (\$5,000); of said five thousand dollars there shall be distributed by the commissioner of agriculture to the American institute of the city of New York, town, county, and other agricultural societies, fairs, clubs and expositions the amount they are entitled to by virtue of the provisions of section eighty-nine of the agricultural law; the said remainder shall be apportioned among the county agricultural societies, fairs or associations, the American institute of the city of New York or the societies, fairs or associations entitled thereto in counties where there are no such county agricultural societies, and the various towns and other agricultural societies, clubs or exhibitions, to be distributed in the manner provided by section eighty-eight of the agricultural law.

#### GENEVA EXPERIMENT STATION.

To the commissioner of agriculture, and to the New York state agricultural experiment station, for enforcing the provisions of law in relation to commercial fertilizers, pursuant to chapter four hundred thirty-seven, laws of eighteen hundred ninety, and chapter nine hundred fifty-five, laws of eighteen hundred ninety-six, and chapter six hundred eighty-seven, laws of eighteen hundred ninety-nine, and for the expense of bulletins as provided therein, or by any acts amendatory thereof, ten thou-

sand dollars (\$10,000), or so much thereof as may be necessary, to be paid from money received by the state treasurer from license fees on fertilizers.

For the expense of enforcing the provisions of the law in relation to concentrated feeding stuffs, as shall be authorized by the board of control, pursuant to chapter five hundred ten, laws of eighteen hundred ninety-nine and the acts amendatory thereof, to be paid from money received by the state treasurer from license fees on concentrated feeding stuffs, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

For the necessary expenditures of the agricultural experiment station at Geneva:

For salaries of the scientific staff and clerical force, twenty-three thousand dollars (\$23,000).

For labor, including engineer, janitors, laboratory helpers, gardeners, herdsmen, teamsters, poultrymen, watchmen and other necessary labor, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary.

For necessary expenses in conducting researches in plant nutrition, diseases of plants, injurious insects, bacteriology, horticulture, dairy practice and poultry keeping, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For general expenses including heat, light, water, equipment of scientific apparatus, and farm implements, and machinery and general repairs, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For horticultural instruction, and for the purpose of conducting horticultural investigations and experiments, and for disseminating the information so obtained, as provided for in and pursuant to section eighty-five of the agricultural law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

#### STATE ARCHITECT.

For the salaries:

of the state architect, seven thousand five hundred dollars (\$7,500);

private secretary, one thousand eight hundred dollars (\$1,800);

of the chief draughtsman, two thousand seven hundred fifty dollars (\$2,750) ;

assistant chief draughtsman, two thousand dollars (\$2,000) ;

draughtsmen and tracers, eleven thousand five hundred dollars (\$11,500), or so much thereof as may be necessary ;

engineer-in-chief, two thousand five hundred dollars (\$2,500) ;

electrical engineer, two thousand two hundred dollars (\$2,200) ;

structural engineer, two thousand dollars (\$2,000) ;

heating engineer, two thousand dollars (\$2,000) ;

one engineer inspector, two thousand dollars (\$2,000) ;

chief clerk, one thousand five hundred dollars (\$1,500) ;

clerk and stenographer, one thousand two hundred dollars (\$1,200) ;

two stenographers, one thousand one hundred dollars each (\$2,200) ;

one stenographer, one thousand dollars (\$1,000) ;

one clerk, nine hundred eighty dollars (\$980) ;

one messenger, nine hundred dollars (\$900) ;

two office boys, eight hundred dollars (\$800).

For the salaries of building inspectors, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For office supplies and expenses, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

For transportation and other expenses of supervision, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

#### BANKING DEPARTMENT.

For the salaries :

of the superintendent of banks, seven thousand dollars (\$7,000) ;

and one thousand five hundred dollars (\$1,500) annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him ;



of the first deputy superintendent, four thousand dollars (\$4,000); and one thousand dollars (\$1,000) annually, payable monthly, in lieu of, and in full for all expenses and disbursements incurred by him;

confidential and financial clerk and private secretary, three thousand three hundred dollars (\$3,300);

clerk and examiner, fifteen hundred dollars (\$1,500);

clerk and stenographers, twelve hundred dollars (\$1,200);

stenographer in Albany office, one thousand dollars (\$1,000);

stenographer in the branch office in New York city, one thousand two hundred dollars (\$1,200);

night watchman, four hundred twenty dollars (\$420).

For rent of branch office in the city of New York, twelve hundred dollars (\$1,200).

For books, binding, blanks, printing and other expenses of the office of the superintendent of banks two thousand five hundred dollars (\$2,500), and in addition thereto the sum of five thousand dollars (re. \$5,000), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for such purposes, which is hereby reappropriated for the same purposes.

The amounts required for the aforesaid salaries, clerk hire and other expenses above mentioned, shall be refunded to the treasury, one thousand dollars by the savings banks for carrying out the provisions of chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, providing for the reports concerning dormant accounts in savings banks, to be assessed upon and collected from the savings banks making such reports, as provided in said chapter, and the remainder of the amounts hereby appropriated by the several banks, individual bankers, savings banks, trust companies, safe deposit companies and personal loan associations in this state in whose behalf the aforesaid salaries, clerk hire and other expenses above mentioned are incurred, pursuant to chapter six hundred eighty-nine, laws of eighteen hundred ninety-two.

For a contingent fund to be used by the superintendent of banks to pay the expenses of appraising property and other contingent expenses in connection with the administration of the banking



department or for the payment of examiners, one thousand dollars (\$1,000), or so much thereof as may be necessary, which sum shall be assessed upon and collected from the corporations, or a part of them, and refunded to the treasury, as provided in said banking law.

For carrying out the provisions of the banking law, chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, as amended, in reference to the supervision and visitation of mortgage, loan or investment companies, and of cooperative savings and loan associations, and for foreign cooperative savings and loan associations, and other similar associations required by the law to report to said superintendent of banks:

For the salaries:

of the deputy in charge of bureau of building and loan associations and foreign corporations, four thousand dollars (\$4,000);

clerk, fifteen hundred dollars (\$1,500);

stenographer, one thousand dollars (\$1,000);

which sums shall be assessed upon and collected from said associations and corporations and refunded to the treasury, as provided in said banking law.

For the payment of the examiners for the examination of corporation and individual bankers, pursuant to the provisions of the banking law, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary, which shall be assessed and collected from the corporations and individual bankers, according to the amount charged for the examination of each, and refunded to the state treasury.

For services and expenses of deputies and clerks in the office of the attorney-general, in proceedings or litigations for or on account of corporations subject to the banking law, or in which such corporations are parties, one thousand dollars (\$1,000), or so much thereof as may be necessary, as may be certified by the attorney-general to the comptroller.

#### STATE BOARD OF CHARITIES.

For the salary of the secretary, three thousand five hundred dollars (\$3,500).

For compensation of twelve commissioners, as provided by chapter five hundred forty-six, laws of eighteen hundred ninety-

six, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary

For the salaries:

of the superintendent of inspection, two thousand five hundred dollars (\$2,500);

several employees, according to grades, as follows:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, three employees, seven hundred twenty dollars each (\$2,160);

third grade, one employee, six hundred dollars (\$600).

For temporary help, three hundred dollars (\$300), or so much thereof as may be necessary.

For traveling expenses of the commissioners and secretary while engaged in the discharge of their official duties, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For traveling expenses of the employees of the department while engaged in their official duties, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For rent, printing and other expenses of the office, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For postage, and expense of transportation of all letters, official documents or other matter sent by express or freight, including boxes or covering for same, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

#### NEW YORK OFFICE.

For the salaries:

of the superintendent, one thousand five hundred dollars (\$1,500);

inspector, one thousand four hundred dollars (\$1,400);

inspector, one thousand two hundred dollars (\$1,200);

two inspectors, nine hundred dollars each (\$1,800);

fourth grade, one employee, seven hundred twenty dollars (\$720).

## ROCHESTER OFFICE.

For the salaries:

of the inspector, one thousand two hundred dollars (\$1,200);  
third grade, one employee, six hundred dollars (\$600).

## STATE AND ALIEN POOR.

For the salaries:

of the superintendent, three thousand dollars (\$3,000);  
deputy superintendent in New York city, one thousand  
five hundred dollars (\$1,500);  
special inspector of charitable institutions, two  
thousand dollars (\$2,000);  
inspector, one thousand five hundred dollars (\$1,500);  
two assistant inspectors, one thousand two hundred  
dollars each (\$2,400);  
transfer agent Kings county almshouse, one thousand  
dollars (\$1,000);  
transfer agent, Erie county almshouse, one thousand dol-  
lars (\$1,000);  
fourth grade, two employees, seven hundred twenty dollars  
each (\$1,440);  
second grade, one employee, four hundred dollars (\$400).

For traveling expenses of superintendent and inspectors, four  
thousand dollars (\$4,000).

For incidental office expenses, eight hundred dollars (\$800).

For maintenance, transportation and removal of state, non-  
resident and alien poor, twenty thousand dollars (\$20,000), or  
so much thereof as may be necessary.

And it shall be the duty of the said board in their annual  
report to the legislature to give a complete and itemized state-  
ment of the expenditures for state paupers during the preceding  
fiscal year.

## CIVIL SERVICE COMMISSION.

For the civil service commission, thirty-seven thousand seven  
hundred fifty dollars (\$37,750), to be expended as hereinafter  
provided.

For salaries:

of the civil service commissioners, nine thousand dollars;  
chief examiner, three thousand six hundred dollars;  
secretary, three thousand three hundred dollars.

of the several employees, according to grades, as follows:

- ninth grade, one employee, two thousand dollars;
- seventh grade, two employees, one thousand five hundred dollars each, three thousand dollars;
- sixth grade, one employee, one thousand two hundred dollars;  
one employee, one thousand dollars;
- fifth grade, three employees, nine hundred dollars each;
- third grade, one employee, six hundred dollars.

For the necessary expenses of the several commissioners while in the discharge of their official duties, including all expenses while attending meetings of commission, six hundred dollars each, payable monthly.

For the necessary traveling expenses of the chief examiner, four hundred dollars, or so much thereof as may be necessary.

For the necessary traveling expenses of the secretary, two hundred fifty dollars, or so much thereof as may be necessary.

For the necessary traveling expenses of the examiners and stenographer, one hundred dollars, or so much thereof as may be necessary.

For the expenses of examinations, and compensation of temporary local and expert examiners to be appointed by the commission, five thousand dollars, or so much thereof as may be necessary; such examinations shall be held at least once a year in each of the following places:

Albany, Amsterdam, Auburn, Binghamton, Buffalo, Elmira, Hornellsville, Ithaca, Jamestown, Kingston, Lockport, Malone, Newburgh, New York, Ogdensburgh, Olean, Plattsburgh, Poughkeepsie, Rochester, Syracuse, Utica and Watertown; and shall cover all offices in the state civil service for which competitive examinations are required, except such examinations as require special tools, machinery or laboratory facilities.

Notice shall be mailed to the newspapers publishing the session laws in each county of the time and place of such examination, and the positions for which the examination is held, at least twenty days before the time in which to file applications for such examination expires, for publication at their option without charge, and the commission may require application to be made a reasonable time before the date of examination.

For books, printing, stationery and other expenses of the office of the civil service commission, and for expenses incurred in the inspection or investigation of the manner of the administration of the law and rules, two thousand dollars, or so much thereof as may be necessary.

For postage, and expense of transportation of all letters, official documents or other matter sent by express or freight, including boxes or covering for same, eighteen hundred dollars, or so much thereof as may be necessary.

### STATE SUPERINTENDENT OF ELECTIONS.

For the state superintendent of elections for the metropolitan elections district:

For the salaries:

- of the state superintendent, five thousand dollars (\$5,000);
- chief deputy, four thousand five hundred dollars (\$4,500);
- clerk, eighteen hundred dollars (\$1,800);
- stenographer, fifteen hundred dollars (\$1,500);
- deputy state superintendents of election, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

For the state superintendent of elections for office expenses, and expenses incurred in carrying out the provisions of the laws relating to the metropolitan elections district, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

### STATE DEPARTMENT OF EXCISE.

For the salaries:

- of the state commissioner of excise, five thousand dollars (\$5,000), and for his expenses and disbursements as provided by chapter three hundred twelve, laws of eighteen hundred ninety-seven, one thousand eight hundred dollars (\$1,800);
- deputy commissioner, four thousand dollars (\$4,000), and for his expenses and disbursements as provided by chapter three hundred twelve, laws of eighteen hundred ninety-seven, one thousand five hundred dollars (\$1,500);



of the second deputy commissioner, three thousand five hundred dollars (\$3,500).

For expenses of special agent service, including salaries of sixty agents, and salary and expenses of special detective service, one hundred fifty thousand dollars (\$150,000).

For general counsel, four thousand five hundred dollars (\$4,500).

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, sixty thousand dollars (\$60,000).

For office expenses, including equipment, stationery, telephoning, telegraphing, express charges, postage, miscellaneous and incidental expenses, Albany and suboffices, thirteen thousand five hundred dollars (\$13,500).

For examination of offices of the special deputy commissioners and county treasurers, three thousand dollars (\$3,000).

For expense of enumeration and determining amount of excise taxation in several localities, including supervision, three thousand dollars (\$3,000).

For books, blanks, and printing, eight thousand dollars (\$8,000).

For paying judgments against the state commissioner of excise and also judgments against any special deputy commissioner of excise or against any county treasurer, where said judgments against said special deputy commissioners or county treasurers were obtained in actions or proceedings brought or defended by the direction of the state commissioner of excise, two thousand dollars (\$2,000).

#### REBATES.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

#### CLERICAL HELP—ALBANY OFFICE.

For the salaries:

of the secretary, two thousand dollars (\$2,000);

of the financial clerk, one thousand eight hundred dollars (\$1,800) ;

chief rebate clerk, two thousand two hundred fifty dollars (\$2,250) ;

auditor, two thousand five hundred dollars (\$2,500) ;

accountant and special examiner, two thousand five hundred dollars (\$2,500) ;

cashier, two thousand five hundred dollars (\$2,500).

For the salaries of the several employees, according to grades, as follows :

ninth grade, three employees, six thousand dollars (\$6,000) ;  
eighth grade, two employees, three thousand four hundred dollars (\$3,400) ;

seventh grade, eight employees, eleven thousand dollars (\$11,000) ;

sixth grade, twelve employees, twelve thousand five hundred eighty dollars (\$12,580) ;

fifth grade, three employees, two thousand five hundred fifty dollars (\$2,550) ;

third grade, one employee, five hundred dollars (\$500).

#### SPECIAL DEPUTY COMMISSIONERS OF EXCISE.

For the one-half part, payable by the state, of the salaries and expenses of the several special deputy commissioners of excise, including office rent and clerical help, office furniture, fixtures and equipment, as provided by section nine of the liquor tax law, to wit :

#### BOROUGHES OF MANHATTAN AND THE BRONX.

For the salaries :

of the special deputy commissioner, two thousand dollars (\$2,000) ;

cashier and bookkeeper, one thousand seven hundred fifty dollars (\$1,750) ;

confidential clerk, one thousand dollars (\$1,000).

For the salaries of the several employees, according to grades, as follows :

tenth grade, one employee, one thousand one hundred twenty-five dollars (\$1,125) ;

seventh grade, three employees, two thousand one hundred dollars (\$2,100);

sixth grade, ten employees, six thousand dollars (\$6,000).

For rent, two thousand seven hundred fifty dollars (\$2,750).

#### BOROUGH OF BROOKLYN.

For the salary:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500);

For the salaries of the several employees, according to grade as follows:

tenth grade, one employee, one thousand one hundred dollars (\$1,100);

eighth grade, two employees, one thousand six hundred dollars (\$1,600);

sixth grade, six employees, three thousand six hundred dollars (\$3,600).

For rent, one thousand two hundred dollars (\$1,200).

#### BOROUGH OF QUEENS.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for expenses of his office, including office rent and clerical help, seven hundred fifty dollars (\$750), or as much thereof as may be necessary.

#### BOROUGH OF RICHMOND.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### COUNTY OF ERIE.

For the salary:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500).

For the salaries of the several employees, according to grades, as follows:

eighth grade, one employee, one thousand dollars (\$1,000);

seventh grade, two employees, one thousand five hundred dollars (\$1,500);

fifth grade, one employee, four hundred fifty dollars (\$450).

For rent, eight hundred seventy dollars (\$870).

#### COUNTY OF MONROE.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### FOREST, FISH AND GAME COMMISSION.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

deputy commissioner, two thousand five hundred dollars (\$2,500); and for the expenses of the commissioner, deputy commissioner and special agent, one thousand dollars (\$1,000), or so much thereof as may be necessary; and the further sum of five hundred dollars (re. \$500), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for such purposes, is hereby reappropriated for the same purposes. assistant secretary, two thousand two hundred dollars (\$2,200).

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600).

For rent, stationery, printing, postage and office expenses of the commission other than salaries, four thousand dollars (\$4,000).

#### PROTECTION OF FISH AND GAME.

chief protector, two thousand five hundred dollars (\$2,500).

seventh grade, one employee, one thousand five hundred dollars (\$1,500).

three assistant chief protectors, one thousand four hundred dollars each (\$4,200).

seventh grade, forty-three protectors, six hundred dollars each (\$25,800), or so much thereof as may be necessary, and for the expenses of such chief protector, assistant chiefs and protectors, twenty-two thousand six hundred dollars (\$22,600), or so much thereof as may be necessary.

#### PROPAGATION AND DISTRIBUTION OF FISH.

For the expense and maintenance of fish hatcheries and hatching stations, and for the propagation and distribution of food and game fish and fish fry, other than salaries, fifty-two thousand five hundred dollars (\$52,500), or so much thereof as may be necessary.

#### SHELLFISH DEPARTMENT.

For the salaries:

of the superintendent of the shellfish department, two thousand dollars (\$2,000); and for his expenses five hundred dollars (\$500), or so much thereof as may be necessary; and for rent and office expenses of the shellfish department, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

two oyster protectors, one thousand dollars each (\$2,000);

assistant oyster protector, six hundred dollars (\$600).

sixth grade, one employee, one thousand two hundred dollars (\$1,200).

seventh grade, one employee, one thousand five hundred dollars (\$1,500); and for the expenses of the oyster protectors and assistant oyster protector, one thousand nine hundred fifty dollars (\$1,950), or so much thereof as may be necessary.

#### FORESTRY DEPARTMENT.

superintendent of forests, three thousand dollars (\$3,000); and for his necessary expenses, nine hundred dollars (\$900), or so much thereof as may be necessary.

special agent, one thousand five hundred dollars (\$1,500).

sixth grade, one employee, one thousand two hundred dollars (\$1,200);



of the chief fire warden, one thousand eight hundred dollars (\$1,800).

for expert foresters, and their necessary expenses (\$2,500), or so much thereof as may be necessary.

five assistant firewardens, six hundred dollars each (\$3,000); and for the necessary expenses of such assistant firewardens, two thousand two hundred fifty dollars (\$2,250), or so much thereof as may be necessary.

### INSPECTOR OF GAS METERS.

For the inspector of gas meters, for salary, and salaries of deputies, as provided for by chapter three hundred eighty-five, laws of eighteen hundred ninety-three, and by chapter three hundred sixty-four, laws of eighteen hundred ninety-eight, eleven thousand dollars (\$11,000). For office and other expenditures, including the providing of seals to be affixed to said meters, as provided by chapter seven hundred thirty-two, laws of eighteen hundred ninety-nine, two thousand dollars (\$2,000), or so much thereof as may be necessary; for ten mechanics employed at not more than three and one-half dollars a day, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary; which several funds hereby appropriated shall be refunded to the treasurer by the several gas-light corporations in this state in amounts proportionate to the amount of the capital stock of such corporations respectively, to be ascertained and assessed by the comptroller of the state in accordance with the provisions of chapter three hundred eighty-five, laws of eighteen hundred ninety-three, and acts amendatory thereof, and chapter three hundred sixty-four, laws of eighteen hundred ninety-eight.

### HEALTH DEPARTMENT.

For the salaries:

of the commissioner of health, thirty-five hundred dollars (\$3,500); and for his expenses, one thousand dollars (\$1,000), in full for all expenses and disbursements incurred by him, payable monthly;

secretary of the department, twenty-five hundred dollars (\$2,500);

For the salaries of the several employees according to grades, as follows:

tenth grade, one employee, twenty-four hundred dollars (\$2,400);

eighth grade, one employee, fifteen hundred dollars (\$1,500);  
one employee, sixteen hundred dollars (\$1,600);

seventh grade, three employees, fifteen hundred dollars each (\$4,500);

sixth grade, one employee, ten hundred eighty dollars (\$1,080);

fifth grade, two employees, nine hundred dollars each (\$1,800);

third grade, one employee, six hundred dollars (\$600);

second grade, one employee, four hundred eighty dollars (\$480);

of the consulting engineers, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses of the bureau of pathology and bacteriology, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses of the bureau of chemistry, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For services and expenses of experts, and stenographers in examinations and investigations and for the expenses of the annual conference of health officers, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria antitoxin and for further investigations of serum therapy in tuberculosis, typhoid fever and kindred diseases, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, and other office expenses, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

For necessary traveling expenses of subordinates of the department while in the discharge of official duties pursuant to the written direction of the commissioner, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage, and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, eighteen hundred dollars (\$1,800), or so much thereof as may be necessary.

For use in connection with epidemics of smallpox and other contagious or infectious diseases in the several municipalities of the state, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### STATE HISTORIAN.

For the salaries:

of the state historian, four thousand five hundred dollars (\$4,500);

chief clerk, one thousand five hundred dollars (\$1,500);

stenographer, one thousand eighty dollars (\$1,080);

page, three hundred eighty-four dollars (\$384).

For the extra clerical services, printing, stationery, maps, supplies, and other office expenses, eight hundred eighty-six dollars (\$886), or so much thereof as may be necessary.

#### INSURANCE DEPARTMENT.

For the salaries:

of the superintendent of insurance, seven thousand dollars (\$7,000); and one thousand seven hundred dollars (\$1,700) annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him;

first deputy superintendent of insurance, five thousand dollars (\$5,000); and two thousand three hundred dollars (\$2,300) annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him;

second deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

third deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

confidential clerk to the superintendent of insurance, two thousand five hundred dollars (\$2,500);

cashier, three thousand five hundred dollars (\$3,500);

of the chief clerk, two thousand five hundred dollars (\$2,500) ;  
actuary, four thousand five hundred dollars (\$4,500) ;  
first assistant actuary, three thousand two hundred dollars (\$3,200) ;  
night watchman, nine hundred dollars (\$900) ;

For the salaries of the several employees according to grades as follows :

tenth grade, two employees, four thousand eight hundred dollars (\$4,800) ;

ninth grade, two employees, four thousand one hundred dollars (\$4,100) ;

seventh grade, fifteen employees, sixteen thousand seven hundred twenty-five dollars (\$16,725) ; and in addition thereto, for the same purpose, there is hereby reappropriated the further sum of five thousand six hundred seventy-five dollars (re. \$5,675), being the unexpended balance of appropriations made by chapter five hundred ninety-eight, laws of nineteen hundred three, for the salaries of clerks and other employees in said department ;

sixth grade, six employees, seven thousand two hundred dollars (\$7,200) ;

one employee, New York office, one thousand two hundred dollars (\$1,200) ;

For rent of branch office, New York city, one thousand seven hundred dollars (\$1,700).

For sundry expenses at New York office of department, telephone, telegraph, and stationery, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For printing and binding insurance reports, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For miscellaneous printing and binding, office stationery, postage, expressage, telegrams, telephones, messenger service, office furniture and office expenses, seven thousand dollars (\$7,000), or so much thereof as may be necessary ; and in addition thereto there is hereby reappropriated for such purposes the sum of three thousand dollars (re. \$3,000), being a portion of the unexpended balance of appropriations heretofore made for incidental ex-



penses, including counsel, traveling expenses of department employees on official business, and extraordinary expenses.

For incidental expenses, including counsel, traveling expenses of department employees on official business, and extraordinary expenses, the sum of three thousand dollars (re. \$3,000), being a portion of the unexpended balance of appropriations heretofore made therefor, is hereby reappropriated for the same purposes.

For expenses of computation, compilation and publication of new valuation tables for valuations and other incidental expenses connected therewith, to carry into effect the provisions of section eighty-four of the insurance law, four thousand dollars (\$4,000), or so much thereof as may be necessary.

The following appropriations shall be assessed upon and collected from the corporations under examination, and refunded to the treasury, when disbursements therefrom are in consequence of services at or in connection with such examinations:

For the salaries:

of the chief examiner, five thousand dollars (\$5,000);

thirteen examiners, thirty-four thousand dollars (\$34,000), or so much thereof as may be necessary.

For services and expenses of deputies and clerks in the office of the attorney-general, in proceedings or litigations for or on account of insurance companies, or in which insurance companies are parties, one thousand dollars (\$1,000), or so much thereof as may be necessary, as may be certified by the attorney-general to the comptroller.

For services and expenses of department appraisers in this state; for services and expenses of appraisers and examiners designated in other states; for services and expenses of counsel; for expenses of examiners in connection with examinations of insurance companies, and for extra temporary services when required, the sum of twenty-two thousand dollars.

#### DEPARTMENT OF LABOR.

For the salaries:

of the commissioner of labor, three thousand five hundred dollars (\$3,500);

mediator of industrial disputes, two thousand five hundred dollars (\$2,500);



of the first deputy commissioner of labor, two thousand five hundred dollars (\$2,500) ;  
assistant first deputy commissioner of labor, two thousand four hundred dollars (\$2,400) ;  
second deputy commissioner of labor, two thousand five hundred dollars (\$2,500) ;  
assistant to second deputy commissioner of labor, two thousand four hundred dollars (\$2,400) ;  
chief statistician, two thousand five hundred dollars (\$2,500) ;  
statistical clerk, two thousand dollars (\$2,000) ;  
two statisticians, one thousand eight hundred dollars each (\$3,600) ;  
one statistician, one thousand five hundred dollars (\$1,500) ;  
special agent, one thousand eight hundred dollars (\$1,800) ;  
special agent, one thousand four hundred forty dollars (\$1,440) ;  
two special agents, one thousand two hundred dollars each (\$2,400) ;  
one clerk, one thousand four hundred forty dollars (\$1,440) ;  
clerk, one thousand five hundred dollars (\$1,500) ;  
three clerks, one thousand two hundred dollars each (\$3,600) ;  
two clerks, nine hundred dollars each (\$1,800).  
three clerks, seven hundred twenty dollars each (\$2,160) ;  
confidential clerk, one thousand two hundred dollars (\$1,200) ;  
clerk and statistician, one thousand two hundred dollars (\$1,200) ;  
messenger, one thousand two hundred dollars (\$1,200) ;  
thirty-seven deputy factory inspectors, forty-four thousand four hundred dollars (\$44,400) ;  
superintendent of licenses, two thousand four hundred dollars (\$2,400).

For expenses of commissioner, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the expenses of the first and second deputies, their assistants, the mediator, the superintendent of licenses, the statistic-

ians, the special agents and the deputy factory inspectors while engaged in the discharge of their official duties under the direction of the commissioner, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For printing, including the expense of publishing bulletins, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For postage, telephone, telegraph and messenger service, express charges and other office expenses, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For the expenses of the free employment bureau in New York city, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### LAND OFFICE.

For valuations, assessments and other necessary expenses of the public lands and land board, seven thousand five hundred dollars (\$7,500), including the mileage and expenses of the speaker of the assembly for attendance as commissioner of the land office.

#### LUNACY COMMISSION.

For the salaries:

of the medical commissioner, seven thousand five hundred dollars (\$7,500);

legal commissioner, five thousand dollars (\$5,000);

lay commissioner, five thousand dollars (\$5,000);

medical inspector, three thousand five hundred dollars (\$3,500);

secretary, four thousand dollars (\$4,000);

auditor of state hospital estimates, four thousand dollars (\$4,000);

assistant auditor, three thousand two hundred dollars (\$3,200);

of the supervising engineer, one thousand six hundred dollars (\$1,600);

several employees, according to grades, as follows:

eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, two employees, one thousand five hundred dollars each (\$3,000);  
 one employee, one thousand four hundred dollars (\$1,400);  
 sixth grade, two employees, one thousand two hundred dollars each (\$2,400);  
 two employees, one thousand two hundred dollars each (\$2,400);  
 third grade, one employee, six hundred dollars (\$600);  
 first grade, one employee, three hundred sixty dollars (\$360).

For temporary clerical and expert services, two thousand six hundred dollars (\$2,600), or so much thereof as may be necessary.

For the allowance to the three commissioners in lieu of their traveling and incidental expenses, as provided in the insanity law, payable monthly, one thousand two hundred dollars each (\$3,600).

For the expenses of the medical inspector, as provided in the insanity law, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the deportation of alien and nonresident lunatics to other countries and states, and for the transfer of patients from one hospital to another to relieve overcrowding, seven thousand dollars (\$7,000).

For the salaries of the members of the board of alienists appointed under chapter three hundred twenty-six, laws of nineteen hundred four, eleven thousand dollars (\$11,000), and for the expenses of the members of said board two thousand dollars (\$2,000), or so much thereof as may be necessary.

For compensation and expenses of special agents, ten thousand dollars (\$10,000).

For printing, stationery, postage and other necessary office expenses, six thousand dollars (\$6,000).

For salaries of officers of state hospitals, two hundred seventy thousand dollars (\$270,000).

For salaries and wages of all other employees of state hospitals, one million seven hundred ninety-five thousand dollars (\$1,795,000).

For the support and maintenance of the state hospitals other than salaries and wages of officers and employees, two million six hundred thousand dollars (\$2,600,000).

For the maintenance of a pathological institute under the direction of the state commission in lunacy, pursuant to the insanity law and under the further provisions relating thereto contained in chapter five hundred ninety-eight laws of nineteen hundred three, twenty-five thousand dollars (\$25,000).

For the employment of clergymen at the Willard state hospital, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby appropriated to be paid under the direction of the superintendent of the said hospital.

#### NATIONAL GUARD.

For the salaries:

of the adjutant-general, four thousand dollars (\$4,000) ;

assistant adjutant-general, military storekeeper and clerical force, as provided in section one hundred sixty-one of the military code, twenty-three thousand dollars (\$23,000) ;

officers on the staff of the major-general commanding the national guard, as provided by section one hundred sixty of the military code, fifteen thousand dollars (\$15,000).

For allowances to headquarters of brigades, regiments, battalions and squadron, as provided in section one hundred fifty-nine of the military code, thirty-three thousand one hundred dollars (\$33,100), or so much thereof as may be necessary.

For allowances to officers to assist in uniforming and equipping themselves and organizations, for the purpose of defraying necessary military expenses, as provided in sections one hundred fifty-six and one hundred fifty-seven of the military code, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

For postage and expense of transportation of all letters, official documents or other matter sent by express or freight, including boxes or coverings for same, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the other general expenses of the national guard of the state, and the office of the adjutant-general, to be expended in accordance with the military code, two hundred forty-four thousand dollars (\$244,000), or so much thereof as may be necessary.

#### MILITARY RECORD FUND.

##### *Revenue.*

For the adjutant-general for the expenses of the bureau of military records, payable from the revenue of the military record fund, two thousand dollars, or so much thereof as may be necessary.

#### NAVAL MILITIA.

For allowance to headquarters of the naval militia and battalions, as provided in section one hundred fifty-nine of the military code, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For allowance to officers of the naval militia to assist in uniforming and equipping themselves, and organizations of the naval militia, for the purpose of defraying necessary military expenses as provided in sections one hundred fifty-six and one hundred fifty-seven of the military code, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For other general expenses of the naval militia and the office of the adjutant-general, to be expended in accordance with the military code, sixteen thousand six hundred dollars (\$16,600), or so much thereof as may be necessary.

#### NIAGARA RESERVATION.

For the salaries:

of the superintendent, two thousand four hundred dollars (\$2,400);

two operators of the inclined railway, one thousand eight hundred dollars (\$1,800);

laborers, janitor and watchman at the inclined railway, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

police and caretakers, including night and day watchmen on Goat Island bridge, five thousand dollars (\$5,000), or so much thereof as may be necessary;



of the watchman, janitor and scrub-woman at the administration building, as well as all janitor's supplies, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary;

For superintendent's office and traveling expenses, including postage, telephone, telegraph and express charges, also stationery and printing for his office, nine hundred dollars (\$900), or so much thereof as may be necessary.

For materials, tools, lights, fuel, disinfectants and miscellaneous supplies, four thousand six hundred dollars (\$4,600), or so much thereof as may be necessary.

For commissioners expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For salaries of foreman, teamsters and laborers as required, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### STATE COMMISSION OF PRISONS.

For the salaries:

of the president of the state commission of prisons, two thousand five hundred dollars (\$2,500);  
secretary, three thousand dollars (\$3,000);  
clerk, fifteen hundred dollars (\$1,500);  
stenographer, one thousand dollars (\$1,000).

For the necessary traveling expenses, inspecting the penal institutions, and for office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

#### PRISONS.

For the salaries:

of the superintendent of state prisons, six thousand dollars (\$6,000);  
superintendent's clerk, four thousand dollars (\$4,000);  
two stenographers, one thousand dollars each (\$2,000);  
messenger, one thousand dollars (\$1,000);  
one parole officer, fifteen hundred dollars (\$1,500);  
three parole officers, twelve hundred dollars each (\$3,600).

For the necessary traveling expenses of the superintendent and his clerks, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For other office expenses, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the support and maintenance of the several state prisons, and the Eastern New York reformatory pursuant to chapter three hundred eighty-two, laws of eighteen hundred eighty-nine, and for the ordinary repairs thereof and supplying water therefor, five hundred seventy-five thousand dollars (\$575,000), or so much thereof as may be necessary.

For the support and maintenance of the state prison for women at Auburn, pursuant to chapter three hundred six, laws of eighteen hundred ninety-three, for ordinary repairs, supplying water therefor and for the transportation of women prisoners, twenty thousand five hundred dollars (\$20,500), or so much thereof as may be necessary.

For the traveling expenses of the commissioners for paroled prisoners and of the parole officers, and for stenographic and office expenses and rewards for delinquent paroled prisoners, two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for such purposes, which is hereby reappropriated.

#### DANNEMORA HOSPITAL FOR INSANE CONVICTS.

For the support and maintenance and officers' salaries of the Dannemora hospital for insane convicts, fifty-four thousand dollars (\$54,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

#### MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance and officers' salaries of Matteawan state hospital for insane criminals, ninety-one thousand four hundred dollars (\$91,400), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

#### COMPENSATION OF SHERIFFS.

For compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries,

houses of refuge and reformatories, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary.

#### MAINTENANCE OF CONVICTS.

For the maintenance of convicts sentenced to penitentiaries, in pursuance to chapter one hundred fifty-eight, laws of eighteen hundred fifty-six, chapter five hundred eighty-four, laws of eighteen hundred sixty-five, chapter six hundred sixty-seven, laws of eighteen hundred sixty-six, chapter five hundred seventy-four, laws of eighteen hundred sixty-nine, chapter two hundred forty-seven, laws of eighteen hundred seventy-four, chapter five hundred seventy-one, laws of eighteen hundred seventy-five, chapter four hundred ninety, laws of eighteen hundred eighty-five, chapter one hundred fifteen, laws of eighteen hundred ninety-one and chapter five hundred eighty-seven, laws of eighteen hundred ninety-two, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

#### PRINTING.

For legislative printing of the state, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, and the comptroller is authorized to pay from said amount for the services of an expert printer to examine all the accounts for printing a sum not to exceed two thousand four hundred dollars per annum.

#### SESSION LAWS AND OFFICIAL CANVASS.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### PUBLICATION OF GENERAL LAWS.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred fifteen, laws of eighteen hundred ninety-two, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC BUILDINGS.

For the salaries:

of the superintendent of public buildings, five thousand dollars (\$5,000);

deputy superintendent, two thousand five hundred dollars (\$2,500);

chief engineer, two thousand two hundred dollars (\$2,200);

chief orderly, one thousand five hundred dollars (\$1,500);

chief of the labor division (foreman), one thousand five hundred dollars (\$1,500);

chief of the state hall division (janitor), one thousand two hundred dollars (\$1,200);

chief of the agricultural and geological hall division (janitor), one thousand two hundred dollars (\$1,200);

chief of the machinery division (machinist and locksmith), one thousand two hundred dollars (\$1,200);

chief of the stone and tile division (stone and tile setter), one thousand two hundred dollars (\$1,200);

chief of the carpentry division (chief carpenter), one thousand dollars (\$1,000);

chief of the upholstery division (upholsterer), nine hundred dollars (\$900);

chief of the carpet and shade division (carpet and shade maker), nine hundred dollars (\$900);

chief of the painting division (painter), nine hundred dollars (\$900).

clerical force, as follows:

ninth grade, two employees, two thousand dollars each (\$4,000);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, three employees, three thousand two hundred eighty dollars (\$3,280);

fourth grade, one employee, seven hundred twenty dollars (\$720);

second grade, one employee, four hundred eighty dollars (\$480).

For the services of orderlies, watchmen, engineers, firemen, carpenters, machinists, electricians, mechanics, cleaners, laborers, porters and other necessary employees in the care and maintenance, ninety-eight thousand nine hundred twenty dollars (\$98,920), or so much thereof as may be necessary.

For lighting and necessary fixtures and appliances therefor, forty thousand dollars (\$40,000), or so much thereof as may be necessary.

For furniture, repairs, coal, fuel and other expenses, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For postage and expenses of transportation of all letters, official documents and other matter sent by express or freight, including boxes or covering for same, one hundred fifty dollars (\$150), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC WORKS.

### PAYABLE FROM THE CANAL FUND.

For salaries:

of the superintendent of public works, six thousand dollars (\$6,000);

deputy superintendent, four thousand dollars (\$4,000);

three assistant superintendents, three thousand dollars each (\$9,000);

the financial clerk, three thousand six hundred dollars (\$3,600);

assistant financial clerk, two thousand seven hundred dollars (\$2,700);

filing clerk, one thousand three hundred dollars (\$1,300);

chief stenographer, fifteen hundred dollars (\$1,500);

stenographer, one thousand dollars (\$1,000);

special agent, one thousand two hundred dollars (\$1,200);

messenger, one thousand two hundred dollars (\$1,200);

clerk, eastern division, one thousand six hundred dollars (\$1,600);

stenographer, nine hundred dollars (\$900);

clerk, middle division, one thousand five hundred dollars (\$1,500);

assistant clerk, one thousand dollars (\$1,000);



of the stenographer, seven hundred dollars (\$700) ;  
clerk, western division, one thousand five hundred dollars (\$1,500) ;  
one assistant clerk, twelve hundred dollars (\$1,200) ;  
assistant clerk, nine hundred dollars (\$900) ;  
the janitress, one hundred forty-four dollars (\$144).

For the traveling expenses of the assistant superintendents of public works, one thousand five hundred dollars (\$1,500) ; and for additional clerk hire, office and contingent expenses of the superintendent and assistant superintendents of public works, seven thousand seven hundred dollars (\$7,700), or so much thereof as may be necessary.

For the traveling expenses of the superintendent of public works, two thousand five hundred dollars (\$2,500), and for the traveling expenses of the deputy superintendent of public works, one thousand dollars (\$1,000), payable monthly in full for all such expenses.

For the salaries :

of seventeen section superintendents, one thousand five hundred dollars each (\$25,500) ;

the section superintendent, two thousand dollars (\$2,000) ;  
statistician in the office of the superintendent of public works, two thousand dollars (\$2,000) ;

collectors and compilers of statistics relating to the trade and tonnage of the canals during the season of navigation, eight thousand one hundred dollars (\$8,100), comprising two collectors at one hundred and twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month ;

of the collectors, clerks and inspectors and measurers of boats, eight thousand three hundred dollars (\$8,300), comprising three clerks at eighty dollars each per month, five clerks at seventy-five dollars each per month, and seven clerks at seventy dollars each per month.

For additional clerk hire and contingent expenses of such collectors and inspectors, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the payment of the expenses of lock tending and the

ordinary repairs of the canals of the state, eight hundred thousand dollars (\$800,000), or so much thereof as may be necessary.

For the compensation of gate tenders for the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred sixty-eight, laws of eighteen hundred ninety-four, one thousand one hundred dollars (\$1,100), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the commissioners appointed under said act, or a majority thereof, and with the approval of the superintendent of public works.

#### PAYABLE FROM THE GENERAL FUND.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minneceingo creek, Rockland county, seven hundred dollars (\$700), or so much thereof as may be necessary, on the certificate of the superintendent of public works.

#### STEAM VESSEL INSPECTION.

For the salaries of the inspectors of steam vessels, six thousand dollars (\$6,000).

For their necessary traveling expenses, and for the supplies necessary for the performance of said duties, one thousand dollars (\$1,000), or so much thereof as may be necessary, pursuant to chapter five hundred ninety-two, laws of eighteen hundred ninety-seven.

#### QUARANTINE COMMISSIONERS.

For the salaries:

of the commissioners of quarantine, seven thousand five hundred dollars (\$7,500);

secretary, eighteen hundred dollars (\$1,800);

confidential stenographer, nine hundred dollars (\$900);

superintendent, twelve hundred dollars (\$1,200);

captain of the tug, twelve hundred dollars (\$1,200);

engineer, one thousand eighty dollars (\$1,080);

fireman and one deck hand, four hundred eighty dollars each (\$960);

pilot, six hundred dollars (\$600);

of the steward, six hundred dollars (\$600);  
superintendent of Swinburne island, twenty-five hundred dollars (\$2,500);  
engineer, eleven hundred fifty dollars (\$1,150);  
carpenter, nine hundred dollars (\$900);  
two laborers, seven hundred twenty dollars each (\$1,440);  
the cook, two hundred forty dollars (\$240);  
laundryman, three hundred dollars (\$300);  
superintendent of Hoffman island, fifteen hundred dollars (\$1,500);  
engineer, ten hundred fifty dollars (\$1,050);  
carpenter, nine hundred dollars (\$900);  
master mechanic, twelve hundred eighty dollars (\$1,280);  
two laborers, seven hundred twenty dollars each (\$1,440).

For general repairs and expenses of maintenance, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### RAILROAD COMMISSIONERS.

For the board of railroad commissioners, for salaries, and expenses, sixty-nine thousand dollars (\$69,000), to be expended as follows:

For the salaries:

of three commissioners, eight thousand dollars each;  
the secretary, six thousand dollars;  
assistant secretary, four thousand dollars;  
steam railroad inspector, three thousand dollars;  
accountant, three thousand dollars;  
examiner, two thousand five hundred dollars;  
seventh grade, nine employees, one thousand five hundred dollars each.

And for the traveling expenses of the commissioners, secretary, assistant secretary, inspectors, accountants, electrical and other experts, stenographers and clerks; and remuneration of engineers, accountants, experts and clerks whose services may be deemed of temporary importance in accordance with section one hundred and fifty-three of the railroad law; and the necessary

office expenses, including rent and expenses of the New York office, books and supplies of the commission, thirteen thousand dollars, or so much thereof as may be necessary.

For services and expenses of deputies and clerks in the office of the attorney-general, in proceedings or litigation, for or on account of the railroad commission, or in which the railroad commissioners, were or are parties, one thousand dollars (\$1,000); or so much thereof as may be necessary, as may be certified by the attorney-general to the comptroller, which amount is hereby appropriated and authorized to be paid.

For the board of railroad commissioners, for an electrical expert, four thousand dollars (\$4,000).

The amounts hereinbefore stated under this title, to wit: "railroad commissioners," shall be refunded to the treasury by the several corporations owning or operating railroads in this state, in such manner and proportion as is prescribed by law.

#### GRADE CROSSINGS.

The sum of five thousand dollars (\$5,000) to carry into effect the provisions of chapter seven hundred fifty-four, laws of eighteen hundred ninety-seven, and the acts amendatory thereof, which sum the board of railroad commissioners is hereby authorized and empowered to expend in the employment of expert and clerical service necessary to supervise the work performed under said law, and to prepare plans, maps and specifications therefor, and for other necessary expenses; which sum shall be paid under the direction of said board of railroad commissioners, as follows:

For the salaries:

- of the superintendent of the grade-crossing bureau, three thousand dollars;

- inspector of grade crossings, eighteen hundred dollars;
- and for traveling expenses of the commissioners, secretary, assistant secretary, superintendent, inspectors, accountants, experts, stenographers and clerks, in relation to grade-crossing work and other necessary expenses, books and supplies, two hundred dollars, or so much thereof as may be necessary.

## TAX COMMISSIONERS.

For the salaries:

of the tax commissioners, fifteen thousand dollars (\$15,000);  
 secretary, three thousand five hundred dollars (\$3,500);  
 confidential appraiser, three thousand six hundred dol-  
 lars (\$3,600);

several employees according to grades, as follows:

ninth grade, one employee, two thousand one hundred dol-  
 lars (\$2,100);

seventh grade, one employee, one thousand five hundred dol-  
 lars (\$1,500);

one employee, one thousand four hundred dol-  
 lars (\$1,400);

sixth grade, one employee, one thousand two hundred dol-  
 lars (\$1,200);

two employees, one thousand dollars each  
 (\$2,000);

second grade, one employee, four hundred eighty dollars  
 (\$480).

For postage, printing, stationery and other office expenses,  
 six thousand two hundred fifty dollars (\$6,250), or so much  
 thereof as may be necessary.

Each of the said commissioners shall receive a further sum of  
 two thousand five hundred dollars (\$7,500), payable monthly, in  
 full and in lieu of all expenses and disbursements incurred by  
 them in discharge of their duties.

For the salaries of six special agents, seven thousand two  
 hundred dollars (\$7,200), or so much thereof as may be neces-  
 sary, and the further sum of three thousand five hundred dollars  
 (\$3,500), or so much thereof as may be necessary, for the expenses  
 and disbursements incurred by them in the discharge of their  
 duties.

For the services and expenses of experts for appraisement and  
 valuation, four thousand five hundred dollars (\$4,500), or so much  
 thereof as may be necessary.

## FISCAL SUPERVISOR OF STATE CHARITIES.

For the salaries:

of the fiscal supervisor of state charities, six thousand dollars  
 (\$6,000);



of the secretary, three thousand dollars (\$3,000) ;  
 chief clerk, two thousand five hundred dollars (\$2,500) ;  
 inspector of buildings, heating and lighting, one thousand four hundred dollars (\$1,400) ;  
 confidential inspector, one thousand six hundred dollars (\$1,600) ;

of the clerical force, as follows :

eighth grade, two employees, one thousand eight hundred dollars each (\$3,600) ;

seventh grade, three employees, one thousand five hundred dollars each (\$4,500) ;

sixth grade, one employee, one thousand two hundred dollars (\$1,200) ;

fifth grade, one employee, nine hundred dollars (\$900) ;

fourth grade, one employee, seven hundred twenty dollars (\$720) ;

second grade, one employee, four hundred twenty dollars (\$420).

For the expenses and disbursements of the fiscal supervisor, one thousand five hundred dollars (\$1,500), payable quarterly, which shall be allowed to him in lieu of and in full therefor.

For books, blanks, binding, printing, making chemical analyses, traveling and other expenses including the services of a competent person to examine the books, papers and accounts of any institution, as provided in article three of the state charities law, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and expense of transportation of all letters, official documents, or other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), or so much thereof as may be necessary.

## STATE CHARITABLE INSTITUTIONS.

### WESTERN HOUSE OF REFUGE FOR WOMEN AT ALBION.

For the western house of refuge for women, at Albion, for the maintenance of the institution and for the transportation of those committed to it, thirty-six thousand dollars (\$36,000), or so much thereof as may be necessary.

**NEW YORK STATE SCHOOL FOR THE BLIND AT BATAVIA.**

For the maintenance and instruction of the inmates of the New York state school for the blind, at Batavia, thirty-nine thousand dollars (\$39,000), or so much thereof as may be necessary.

**NEW YORK STATE SOLDIERS' AND SAILORS' HOME AT BATH.**

For the New York state soldiers' and sailors' home, at Bath, for maintenance and for the transportation of applicants for admission, two hundred forty thousand dollars (\$240,000), or so much thereof as may be necessary.

**NEW YORK STATE REFORMATORY FOR WOMEN AT BEDFORD.**

For the New York state reformatory for women, at Bedford for the maintenance of the institution and for the transportation of those committed to it, fifty-six thousand dollars (\$56,000), or so much thereof as may be necessary.

**NEW YORK STATE REFORMATORY AT ELMIRA.**

For the New York state reformatory, at Elmira, for maintenance and ordinary repairs, and for the purchase of material, and for expenses of manufacturing, two hundred sixteen thousand dollars (\$216,000), or so much thereof as may be necessary.

**NEW YORK STATE TRAINING SCHOOL FOR GIRLS AT HUDSON.**

For the New York state training school for girls, at Hudson, for the maintenance of the institution and for the transportation of those committed to it, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

**THOMAS ASYLUM FOR ORPHAN AND DESTITUTE INDIAN CHILDREN  
AT IROQUOIS.**

For the Thomas Asylum for orphan and destitute Indian children, at Iroquois, for maintenance, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

**NEW YORK STATE CUSTODIAL ASYLUM FOR FEEBLE-MINDED WOMEN  
AT NEWARK.**

For the New York state custodial asylum for feeble-minded women, at Newark, for maintenance and for other necessary ex-

penses, sixty-seven thousand dollars (\$67,000), or so much thereof as may be necessary.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME AT OXFORD.

For the New York state woman's relief corps home, at Oxford, for maintenance, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

SOCIETY FOR THE REFORMATION OF JUVENILE DELINQUENTS IN THE CITY OF NEW YORK.

For the society for the reformation of juvenile delinquents in the city of New York, at Randall's Island, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade schools and common schools and military system and photographing of inmates, one hundred sixty-six thousand dollars (\$166,000), or so much thereof as may be necessary. No part of the sum hereby appropriated shall be used to pay for insurance.

NEW YORK STATE HOSPITAL FOR THE TREATMENT OF INCIPIENT PULMONARY TUBERCULOSIS AT RAY BROOK.

For the New York state hospital for the treatment of incipient pulmonary tuberculosis, at Ray Brook, for the maintenance of the institution, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

STATE INDUSTRIAL SCHOOL AT ROCHESTER.

For the state industrial school, at Rochester, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade schools and common schools and military system and photographing of inmates, one hundred eighty thousand dollars (\$180,000), or so much thereof as may be necessary.

ROME STATE CUSTODIAL ASYLUM AT ROME.

For the Rome state custodial asylum, at Rome, for maintenance, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## CRAIG COLONY FOR EPILEPTICS AT SONYEA.

For the Craig colony for epileptics, at Sonyea, for the maintenance of the institution, one hundred thirty-five thousand dollars (\$135,000), or so much thereof as may be necessary.

## SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN AT SYRACUSE.

For the Syracuse state institution for feeble-minded children, at Syracuse, for maintenance, eighty-two thousand dollars (\$82,000), or so much thereof as may be necessary.

## NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND DEFORMED CHILDREN AT WEST HAVERSTRAW.

For the New York state hospital for the care of crippled and deformed children, at West Haverstraw, for maintenance, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

## OTHER CHARITABLE AND EDUCATIONAL INSTITUTIONS.

## NEW YORK INSTITUTION FOR THE BLIND.

For the support and instruction of one hundred eighty pupils at the New York institution for the blind, in addition to the sum of fourteen thousand seven hundred seventy-nine dollars and nineteen cents (re. \$14,779.19), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-nine thousand two hundred twenty dollars and eighty-one cents (\$39,220.81), or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.

## DEAF AND DUMB.

For the support and instruction of two hundred fifty pupils at the institute for the deaf and dumb in New York city in addition to the sum of two thousand seven hundred thirty-two dollars and thirty-eight cents (re. \$2,732.38), remaining unexpended of



appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of seventy-two thousand two hundred sixty-seven dollars and sixty-two cents (\$72,267.62).

For the support and instruction of one hundred twenty pupils at the institution for the improved instruction of deaf-mutes in New York city, in addition to the sum of eight thousand three hundred six dollars and forty-five cents (re. \$8,306.45), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-seven thousand six hundred ninety-three dollars and fifty-five cents (\$27,693.55).

For the support and instruction of one hundred ten pupils at the Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes, at Buffalo, in addition to the sum of nine thousand seven hundred ninety-eight dollars and twelve cents (re. \$9,798.12) remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and next fiscal years, the further sum of twenty-three thousand two hundred one dollars and eighty-eight cents (\$23,201.88).

For the support and instruction of one hundred fifteen pupils at the Central New York institution for the improved instruction of deaf-mutes, at Rome, in addition to the sum of thirteen thousand six hundred sixty dollars and eighty-two cents (re. \$13,660.82), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty thousand eight hundred thirty-nine dollars and eighteen cents (\$20,839.18).

For the support and instruction of sixty-five pupils at the Northern New York institution for deaf-mutes, at Malone, in addition to the sum of four thousand nine hundred ninety dollars and twenty-seven cents (re. \$4,990.27), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of fourteen thousand five hundred nine dollars and seventy-three cents (\$14,509.73).

For the support and instruction of two hundred twenty-two pupils at Saint Joseph's institution for the improved instruction of deaf-mutes, at Fordham, in addition to the sum of nine hun-



dred fifty dollars and seventy-four cents (re. \$950.74), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of sixty-five thousand forty-nine dollars and twenty-six cents (\$65,049.26).

For the support and instruction of twenty-five pupils at the Albany home school for the deaf, seven thousand five hundred dollars (\$7,500).

For the support and instruction of one hundred fifteen pupils at the Western New York institution, at Rochester, for the improved instruction of deaf-mutes, in addition to the sum of three thousand five hundred seventy dollars and two cents (re. \$3,570.02), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty thousand nine hundred twenty-seven dollars and ninety-eight cents (\$30,927.98).

The amount hereby appropriated for the several institutions for the support and instruction of deaf-mutes is at the rate of three hundred dollars per capita per annum and a proportionate amount for shorter period of time than one year, or for a smaller number of pupils in each case, shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary of such institution, and upon the approval of the superintendent of public instruction.

#### ALFRED UNIVERSITY.

For the maintenance of the state school of clay workings and ceramics at Alfred university as provided by chapter three hundred eighty-three, laws of nineteen hundred, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

#### CORNELL UNIVERSITY.

For payment to Cornell university, being the interest at five per centum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight, laws of eighteen hundred ninety-five, thirty-four thousand four hundred twenty-eight dollars and eighty cents (\$34,428.80).

For the state veterinary college at Cornell university for maintenance, equipment and necessary material to conduct the same,

twenty-five thousand dollars (\$25,000), payable to the treasurer of Cornell university on the warrant of the comptroller.

For Cornell university, for the promotion of agricultural knowledge throughout the state, as provided by chapter four hundred thirty, laws of eighteen hundred ninety-nine, forty thousand dollars (\$40,000).

## MISCELLANEOUS.

### COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, and for taxes on state, wild or forest lands which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

### REDEMPTION OF LANDS.

The sum of five thousand dollars (\$5,000), for repayment of money to purchasers upon redemption of lands sold for taxes.

### REFUND OF TAXES.

The sum of five thousand dollars (\$5,000), for repayment of money erroneously paid into the treasury for taxes.

### INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred thirty dollars (\$2,430).

To the Cayugas, two thousand three hundred dollars (\$2,300).

To the Senecas, five hundred dollars (\$500).

To the Saint Regis, two thousand one hundred thirty-one dollars and sixty-seven cents (\$2,131.67).

For the relief of the Onondaga Indians, three hundred dollars (\$300).

For compensation of the agent of the Onondaga Indians, two hundred dollars (\$200).

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred seventy-eight, laws of eighteen hun-

dred forty-seven and chapter six hundred thirty-five, laws of eighteen hundred sixty-nine, sixty-five dollars (\$65).

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred fifty dollars (\$150).

For compensation of the attorney of the Saint Regis Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars (\$150).

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred fifty dollars (\$150).

#### VARIOUS.

For supplying other states with reports of the court of appeals and the supreme court pursuant to section twenty-seven of the executive law as amended by chapter two hundred forty-eight, laws of eighteen hundred ninety-three, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the trustees of Washington's headquarters, at Newburgh, for compensation of the superintendent, and for the care, maintenance, repairs and improvements of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the trustees of public buildings, for the salary of the keeper of the senate-house property, at Kingston, pursuant to chapter two hundred twenty-seven, laws of eighteen hundred ninety-three, six hundred dollars (\$600).

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred forty-two, laws of eighteen hundred ninety-one, forty-five hundred dollars (\$4,500), or so much thereof as may be necessary.

For salary of janitor of the Saratoga monument, six hundred dollars (\$600), as provided by chapter nine hundred fifty-five, laws of eighteen hundred ninety-five.

For care and maintenance of Grant cottage, as provided by chapter six hundred sixty-seven, laws of eighteen hundred ninety-six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

§ 2. The several amounts herein appropriated shall be paid by the treasurer from the respective sums as specified, and the

salaries as herein determined shall be and hereby are established and fixed by this act except as hereinafter provided for the several officers for whom they are designated and shall be paid by the treasurer pursuant to the requirements of the state finance law, and it shall be the duty of the treasurer to report annually to the legislature the detail of the several expenditures. The salary or compensation of any officer or employee, when not prescribed by law, other than this act, for which an appropriation is made by this act, may be fixed by the department, official or officials appointing such officer, or employing such employee, at a less, but not a greater sum than the amount herein appropriated for the salary or compensation of such officer or employee. No appropriation herein contained shall be available for the salary or compensation of any regular officer or employee whose employment or office is not herein specified unless his appointment or employment is expressly authorized.

The appropriations made in this act for the salaries of employees by grades are intended to refer to such grades as established by, and in accordance with, chapter five hundred twenty-one, laws of nineteen hundred one.

A manager, trustee or officer of any state charitable or other institution receiving moneys under this act from the state treasury, for maintenance and support, shall be entitled to actual and necessary traveling expenses only when attending meetings of the board at the office of the institution or visiting the institution pursuant to the regulation or resolution of the board of managers thereof, or in attendance on the state board of charities or the fiscal supervisor of state charities, pursuant to a request of said board or fiscal supervisor of state charities.

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(No. 13.)

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for



the objects indicated in this act, the amounts named or such parts of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him a detailed statement, in items, verified by affidavit; and if the account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished when and where they were furnished, to whom they were delivered, and under what authority: and if for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business and the date and items of expenditure. On all accounts for transportation, furniture, blank and other books furnished for the use of officers, binding, blanks, printing, stationery and postage, a bill duly verified must be furnished; but whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

#### FROM THE GENERAL FUND.

#### EXECUTIVE DEPARTMENT.

For the salary of the counsel to the governor to October first, nineteen hundred five, three thousand seven hundred fifty dollars (\$3,750).

For the expenses and disbursements of the counsel to the governor, which shall be allowed to him in lieu of and in full of expenses for the calendar year, six hundred dollars (\$600).

For the compensation and expenses of persons employed in the examination of bills of the legislative session of the year nineteen hundred five, five thousand dollars (\$5,000), or so much thereof as may be necessary, said compensation to be paid on the certificate of the governor.



For the lieutenant-governor, one thousand dollars (\$1,000), or so much thereof as may be necessary, for defraying his necessary expenses incurred in the performance of his duties other than in attendance upon sessions of the legislature.

For the governor, five thousand dollars (\$5,000), or so much thereof as may be necessary, to provide for compiling and preparing for publication an annotated edition of communications by the governor to the legislature from the organization of the colonial assembly in sixteen hundred eighty-three, to and including the year nineteen hundred four. Such compilation shall include all executive communications at the opening of each regular and extraordinary session of the legislature, and also special messages, either in full or by abstracts, with brief notes showing statutory or constitutional provisions relating to subjects contained in such communications or messages, and also such other notes as the governor may deem proper. The compilation shall be prepared under the direction of the governor, who may appoint an editor of the governors' messages, fix his compensation, and make other provision for carrying on the work. The annotated edition of the messages, when completed, shall be delivered to the state printer for publication, subject to the order of the legislature as to type, style of binding, number of copies and the distribution or other disposition thereof. The copyright of the notes, abstracts and other parts of the publication, except copies of executive communications or messages contained therein, shall be taken by and vested in the secretary of state, for the benefit of the people of the state, and the state shall own the compilation, and the plates from which it may be printed. Payments from the sum hereby appropriated shall be made on the order of the governor and the warrant of the comptroller.

## JUDICIARY.

### COURT OF APPEALS.

For Charles Andrews, late chief judge and associate judge of the court of appeals, whose term of office is abridged under the provisions of section twelve, article six, of the constitution, who has served as such chief judge and associate judge ten years, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the state reporter, for expenses in removal of offices, and for fitting and furnishing same, four hundred eighty-six dollars and fifteen cents (\$486.15), or so much thereof as may be necessary.

#### SUPREME COURT.

The sum of twenty-four thousand five hundred seven dollars and seventy-eight cents (re. \$24,507.78), being the unexpended balance of appropriations made by chapter seven hundred twenty-eight, laws of nineteen hundred four, for the salaries and expenses of the justices of the supreme court serving as associate judges of the court of appeals, is hereby reappropriated for the same purpose or for the payment of the salaries and expenses of any of the justices of the supreme court.

For deficiency in appropriation for compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to September thirtieth, nineteen hundred five, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one.

For the board of statutory consolidation for continuing the work of the board, twenty-five thousand dollars (\$25,000), together with the further sum of thirteen thousand six hundred dollars (re. \$13,600), being the unexpended balance of the appropriation made by chapter six hundred sixty-four, laws of nineteen hundred four, which said sum is hereby reappropriated for such purposes.

For deficiency in appropriation for compensation of confidential clerks to the justices of the supreme court, designated to the appellate division of the second department, six thousand eight hundred dollars (\$6,800), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred, as amended by chapter seven hundred forty-eight, laws of nineteen hundred four.

For deficiency in appropriation for the current fiscal year for compensation of confidential clerks to resident trial justices of

the supreme court in the sixth and seventh judicial districts, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, three thousand nine hundred dollars (\$3,900), or so much thereof as may be necessary.

For the salary of the supreme court reporter, from November tenth nineteen hundred five, to October first nineteen hundred six, four thousand four hundred forty-four dollars and forty-four cents (\$4,444.44); for clerk hire and additional assistants, seven thousand five hundred dollars (\$7,500); for regular office expenses, one thousand dollars (\$1,000); for supplies and equipment two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### LIBRARIES.

For the supreme court library at Elmira, situate in the sixth judicial district, for the purchase of books and necessary rebinding of books belonging to said library, two thousand dollars (\$2,000), to be paid on the presentation to the comptroller of vouchers certified by a majority of the trustees having charge of said library.

For the fifth judicial district library at Utica, for the purchase of books and necessary rebinding of books belonging to said library, one thousand dollars (\$1,000), to be paid on presentation to the comptroller of vouchers certified by a majority of the trustees having charge of said library.

For the supreme court library at Binghamton, situate in the sixth judicial district, for the purchase of books and necessary rebinding of books belonging to said library, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid on the presentation to the comptroller of vouchers certified by the justice of said court residing in the county of Broome.

For the court of appeals library at Syracuse, for the deficiency in appropriation for the purchase of books and necessary rebinding of books belonging to said library, for the fiscal year ending September thirtieth, nineteen hundred five, two thousand four dollars (\$2,004), or so much thereof as may be necessary, to be paid upon the certificate of the librarian of said library.

For the David L. Follett sixth judicial library, for the purchase of additional reports, catalogue and insurance, four hundred dollars (\$400), or so much thereof as may be necessary.

### LEGISLATURE.

For the clergymen officiating as chaplain of the assembly during the session of nineteen hundred five, for compensation, to be paid to the clerk of the assembly, for distribution by him to those clergymen, at the rate of five dollars a day for every day of attendance, four hundred dollars (\$400), or so much thereof as may be necessary.

For the clergymen officiating as chaplain of the senate during the session of nineteen hundred five, for compensation, to be paid to the clerk of the senate, for distribution by him to those clergymen, at the rate of five dollars a day for every day of attendance, four hundred dollars (\$400), or so much thereof as may be necessary.

For engrossing resolutions ordered by the senate of nineteen hundred five, four hundred forty dollars (re. \$440), said sum being the unexpended balance of the appropriation for similar purposes for the year nineteen hundred four, which is hereby reappropriated for said purpose, the same, or so much thereof as may be necessary, to be paid upon the certificate of the clerk of the senate.

For engrossing resolutions ordered by the assembly of nineteen hundred five, five hundred dollars (\$500), or so much thereof as may be necessary, to be paid upon the certificate of the clerk of the assembly.

For deficiency in appropriation for compensation and mileage of members and officers of the legislature for the fiscal year ending September thirtieth, nineteen hundred five, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

For deficiency in appropriation for postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, alterations of legislative rooms, and other contingent expenses of the legislature, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.



For the payment of the expenses of the joint committee of the senate and assembly appointed pursuant to resolution dated March fourteenth, nineteen hundred five, for the purpose of investigating and examining into the organization and operation of gas and electric lighting companies in the city of New York, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to be paid upon the rendering of itemized bills, duly verified by the claimants and certified to by the chairman of the joint committee of the legislature, and after due audit by the comptroller.

For the preparation of supplementary indices of senate bills, journals and documents, and indexing of the executive journals of the senate, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the president of the senate.

For the preparation of supplementary indices of assembly bills, journals and documents, under the direction of the clerk, thirteen hundred dollars (\$1,300), to be paid by the comptroller upon the certificate of the speaker.

For the clerk of the senate for preparing senate indexes during the legislative session of nineteen hundred five, one thousand two hundred fifty dollars (\$1,250), or so much thereof as may be necessary, to be paid upon the certificate of the president of the senate.

For advances by the comptroller to the clerks of the senate and assembly, to pay expenses of receiving reports and printed documents from the several state departments, addressing and forwarding the same to members of senate and assembly, five thousand one hundred ninety dollars (\$5,190), or so much thereof as may be necessary. Such reports and documents shall be delivered by the printer to the document departments of the senate and assembly in the proportion to which such departments are respectively entitled.

For the clerks of the senate and assembly, for the use of the senate and assembly, for file boards, index clerk's books, committee books, stationery, printing, for revising the clerk's manual and books, and necessary law books for the use of the senate and assembly committees, as shall be authorized by the resolution of



either house, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For the estate of the late Frederic E. Perham, member of assembly, to pay the balance of his salary for the session of nineteen hundred five, seven hundred seventy dollars, said amount to be paid from the appropriation made by chapter seven hundred twenty-eight, laws of nineteen hundred four, for compensation and mileage of officers and members of the legislature.

### SECRETARY OF STATE.

For clerical services, for making index of the land grants, deeds, mortgages and maps, and land papers, and for binding land papers, to be paid on the certificate of the secretary of state on the audit of the comptroller, two thousand one hundred dollars (\$2,100), or so much thereof as may be necessary.

For the secretary of state, for printing, binding and furnishing the necessary blanks for lists of persons enrolled and blank challenge affidavits, for use at the general election of nineteen hundred five, pursuant to the provisions of chapters four hundred ninety-nine and six hundred thirty, laws of eighteen hundred ninety-nine, as amended by chapter five hundred forty-four, laws of nineteen hundred one, nine thousand five hundred eighty-six dollars and fifty cents (\$9,586.50), or so much thereof as may be necessary.

For the purpose of complying with the provisions of section nineteen and subdivision one of section thirty-six of the election law, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For making new indexes for the corporation department, and necessary clerical help and supplies therefor, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses of the electoral college, and the printing of twenty-five hundred copies of the proceedings of the electoral college, five hundred dollars (\$500), or so much thereof as may be necessary.

For the payment of the inauguration expenses, two thousand five hundred thirty-five dollars and twenty-six cents (\$2,535.26), or so much thereof as may be necessary.

For binding corporation records, and for supplies and clerical services for preparing the indexes for binding, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the construction of a gallery and book cases in the corporation department of the secretary of state, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, to be expended under the direction of the secretary of state and the supervision and approval of the superintendent of public buildings.

For printing and purchasing of all necessary supplies and additional office expenses created in carrying out the provisions of chapter three hundred forty-seven, laws of nineteen hundred three, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For clerk hire, purchase of badges, printing and other necessary expenses for the enforcement of the motor vehicle law, being chapter five hundred thirty-eight, laws of nineteen hundred four, five thousand dollars (\$5,000), or so much thereof as may be necessary. The amount hereby appropriated shall be payable from the fees collected pursuant to said act and paid into the state treasury under section thirty-seven of the state finance law.

For the secretary of state, for allowance in lieu and in full of his expenses and disbursements for the fiscal year ending September thirty, nineteen hundred five, one thousand dollars (\$1,000).

For the first deputy secretary of state, for allowance in lieu and in full of his expenses and disbursements from January one, nineteen hundred four, to September thirty, nineteen hundred four, three hundred seventy-five dollars (\$375).

For the payment for the publication of the session laws of nineteen hundred four, by the Troy Observer publishing company, Troy, New York, nine hundred forty-five dollars and ninety cents (\$945.90).

#### COMPTROLLER.

The sum of thirty-five hundred dollars (re. \$3,500), being a portion of the unexpended balance of appropriation made by chapter five hundred ninety-three, laws of nineteen hundred three, for the comptroller, for the payment of compensation and expenses of counsel employed by him in legal actions or proceedings, is

hereby re-appropriated for the same purposes, and for expert services in the investigation of tax matters.

For the care, maintenance, repairs and improvements of the Saratoga monument and grounds connected therewith, to be expended under the supervision of the comptroller, pursuant to the provisions of chapter five hundred fifty-five, laws of eighteen hundred ninety-five, four hundred dollars (\$400), or so much thereof as may be necessary.

For the necessary repairs to the Grant cottage at Mount McGregor and for the care of the grounds surrounding the same and for repairs of the driveway leading thereto, two hundred fifty dollars (\$250), or so much thereof as may be necessary, to be paid by the comptroller upon the certificate of the trustees.

For the comptroller, eighty-six dollars and fifty-five cents (\$86.55), or so much thereof as may be necessary, to reimburse the M. F. Westergren company for taxes erroneously assessed and paid.

For the comptroller, seven hundred fifteen dollars and thirty-seven cents (\$715.37), or so much thereof as may be necessary, for the payment of services and disbursements in full rendered by Frederick G. Mather in preparation of papers in connection with the war of eighteen hundred and twelve.

For the comptroller, for the payment of judgments against the state, for costs duly awarded in certain actions brought pursuant to law, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be paid upon the certificate of the attorney-general.

For the comptroller, for the payment of the costs, fees and disbursements in the matter of the foreclosure of loan mortgage number two hundred twenty-three, Washington county, the premises covered by said mortgage having been bid in for the people of the state of New York, March twenty-fifth, nineteen hundred five, and the revenue in the hands of the loan commissioner of said county being insufficient to meet such account, two hundred twenty-nine dollars and eighty-six cents, or so much thereof as may be necessary, payable out of the revenue of the United States deposit fund.

For the comptroller, for the payment of judgment against the state in the action of the people of the state of New York ex

rel. Hiram Blanchard against John McMackin, as commissioner of labor, for services of Hiram Blanchard as expert examiner of machinery in the department of labor from May thirty-first, nineteen hundred one, to November twenty-ninth, nineteen hundred four, amounting to five thousand two hundred fifty dollars, together with costs, accrued salary of said Blanchard, and interest on judgment, five thousand eight hundred dollars (\$5,800), or so much thereof as may be necessary.

For the comptroller, for the payment of judgments for costs against the state in actions brought by the people of the state of New York against Jacob V. Bootman and Howard R. Robinson; Isaac Heinmann; Harry Schweitzer; Balthasar Arras; William Somner; Charles Cohen; Michael Goss, and Nathan Schweitzer, for violations of the game laws, eight thousand five hundred dollars (\$8,500), to be paid upon the certificate of the attorney-general that said actions were brought pursuant to law, as required by section thirty-two hundred forty-one, code of civil procedure.

For deficiency in appropriation for advances to county treasurers on account of taxes on property of nonresidents and for taxes on state wild or forest lands, which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

For the comptroller, for the payment of an agent or agents, and for other necessary expenses in the enforcement of the act to license and regulate the business of private detectives and detective agencies, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, the amount herein appropriated to be paid from the funds received for license fees, as provided by chapter four hundred twenty-two, laws of eighteen hundred ninety-eight, and the acts amendatory thereof.

For the comptroller, for salary and expenses of examiner appointed by the governor, pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associations, three thousand dollars (\$3,000), or so much thereof as may be necessary, and for salaries and expenses of two examiners to examine the books of the trotting associations of the state, four thousand dollars (\$4,000); the



amounts herein appropriated to be paid from the funds collected from said associations.

For the comptroller, for the redemption of certificate number ten, due January thirtieth, nineteen hundred six, issued for the purchase of land for the Adirondack park, under chapter five hundred sixty-one, laws of eighteen hundred ninety-five, fifty-five thousand dollars (\$55,000), and for one year's interest at three per centum, on certificate number ten, issued for the same purpose, one thousand six hundred fifty dollars (\$1,650).

For the comptroller, for the payment of interest at three and one-half per centum for one year on four hundred thousand dollars of Adirondack park bonds, issued pursuant to chapter two hundred twenty, laws of eighteen hundred ninety-seven, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For fees of surrogates in furnishing to the secretary of state copies of letters of administration, copies of wills probated in other states and subsequently filed in this state, as provided by section twenty-five hundred three, code of civil procedure, two hundred dollars (\$200), or so much thereof as may be necessary.

For the comptroller, for the repayment to the several counties for the maintenance of county roads pursuant to chapter two hundred sixty-nine, laws of nineteen hundred three, eighty-nine thousand four hundred eighty-six dollars and forty-six cents (\$89,486.46), or so much thereof as may be necessary.

For the comptroller, for the repayment to the several towns for the highway taxes reported pursuant to section fifty-three of the highway law, four hundred eighty-five thousand one hundred ninety-two dollars and twenty-two cents (\$485,192.22), or so much thereof as may be necessary.

For the comptroller, for necessary expenses in preparing for and conducting a state tax sale of lands for non-payment of taxes, and for printing and publishing notices of sale as provided by law, and list of the lands to be sold for taxes, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

For the comptroller, for recopying records, for making deeds, for binding and repairing books and records in the comptroller's office, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.



The sum of six hundred ninety dollars and sixteen cents (re. \$690.16), being the amount of unexpended balances of appropriations heretofore made for employees in the transfer tax bureau, is hereby re-appropriated for additional or temporary services of employees in said bureau.

The sum of eleven hundred dollars and eighty-nine cents (re. \$1,100.89), being a portion of the unexpended balance of appropriation for services of corporation tax commissioners and other employees of the corporation tax bureau, is hereby re-appropriated for additional or temporary clerical services and expenses of said bureau.

For the comptroller, for the payment of assessments against state property for local improvements heretofore made and after investigation duly approved by the comptroller, pursuant to section twenty of the public lands law, twenty-nine thousand eight hundred fifty-one dollars and seventy-eight cents (\$29,851.78), to be paid as follows: To the city of Rochester, twenty-one thousand four hundred ninety-four dollars and fifty-two cents; to the city of Middletown, eight hundred thirty-four dollars and seventy-one cents; to the city of New York, six thousand nine hundred fifty-eight dollars and sixty cents; to the city of Elmira, three hundred thirty-seven dollars and ten cents; to the school authorities of joint school district number five of the towns of Ovid and Romulus, for school taxes of Willard state hospital, pursuant to chapter five hundred fifty-one, laws of eighteen hundred ninety-eight, two hundred twenty-six dollars and eighty-five cents.

For the comptroller, for expenses to be incurred in the investigation of claims filed in his office for assessments for local improvements on property owned by the state, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### THE TREASURER.

The sum of fourteen hundred twenty-five dollars (re. \$1,425), being a portion of the unexpended balance of appropriation by chapter seven hundred twenty-eight, laws of nineteen hundred four, for the salaries of the corporation clerk and messenger in said office, is hereby reappropriated for the compensation of

clerks and other employees in said office from January first to September thirtieth, nineteen hundred five.

### THE ATTORNEY-GENERAL.

For the attorney-general, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, for the expenses of investigating claims against the state, or complaints that laws of the state, which it is the duty of the attorney-general to enforce, have been violated.

For the attorney-general, for the payment of attorneys and counsel designated or employed by the governor or attorney-general for the transaction of legal business in pursuance of the provisions of the executive law, ten thousand dollars (\$10,000), or so much thereof as may be necessary; but no warrant shall be issued for such payments until the amounts claimed shall be certified, audited and allowed by the governor and the attorney-general.

For the attorney-general, twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, to pay attorneys, counsel and commissioners employed by him in pursuance of law, on the audit of the comptroller.

For deficiency in appropriation for the current fiscal year for expenses of the office of the attorney-general, including furniture, books, binding, blanks, printing, postage, expenses of transportation of letters, documents or other matter sent by express or freight, including boxes or other covering for same, and telegraph or telephone expenses, messenger service, and other expenses of the attorney-general in the conduct of his office, thirty-two hundred dollars (\$3,200), or so much thereof as may be necessary.

For deficiency in appropriation for the current fiscal year for costs of suits, fees of sheriffs and compensation of witnesses, eleven hundred dollars (\$1,100), or so much thereof as may be necessary.

For the New York city bureau of the attorney-general's office; for deficiency in appropriation for the current fiscal year for compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-

general or the New York city deputy of the attorney-general, and each designation to specify the number of days of service to be rendered; for office rent, postage, telegraph and telephone expenses, blank books, stationery and other necessary expenses, incidental to the conduct of the office, eighteen hundred dollars (\$1,800), or so much thereof as may be necessary.

For additional salary of assistant from April first to September thirtieth, one hundred dollars (\$100).

Third grade: One employee for salary from April first to September thirtieth, three hundred dollars (\$300).

Second grade: One employee for salary from April first to September thirtieth, two hundred ten dollars (\$210).

For a safe, desks, carpet and office furniture, in New York city bureau, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For salary of a deputy from April first to October first, nineteen hundred five, two thousand dollars (\$2,000).

For Tracy C. Becker, for legal services in connection with the investigation in the matter of the German bank of Buffalo, one thousand five hundred dollars (\$1,500).

For Joseph G. Dudley, for legal services in connection with the investigation in the matter of the German bank of Buffalo, five hundred dollars (\$500).

For filing cases, shelving and other office fixtures, for care and preservation of department records, to be expended under the supervision and approval of the superintendent of public buildings, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For C. C. Paulding, for legal services rendered to the state in the preparation and trial of one of the Park avenue cases against the state, brought under the authority of chapter seven hundred twenty-nine, laws of nineteen hundred one, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For Black, Olcott, Gruber and Bonyng, for counsel fees, disbursements and expenses in full in connection with the prosecution of the cold storage cases in New York city, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For Martin McHale, for expert services rendered in the matter of the litigation of the state of New York with the Consolidated gas company, five hundred dollars (\$500), or so much thereof as may be necessary.

For expenses and disbursements of the deputy attorney-general having charge of actions and proceedings in the court of claims while in the discharge of his duties, in lieu of and in full of such expenses from and including the first day of January, nineteen hundred five, to and including September thirtieth, nineteen hundred six, one thousand seven hundred fifty dollars (\$1,750), payable monthly.

#### STATE ENGINEER AND SURVEYOR.

For the state engineer and surveyor for the purpose of continuing to cooperate with the United States geological survey in surveying and mapping the state of New York in the manner defined by chapter two hundred nineteen, laws of eighteen hundred ninety-eight, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the reimbursement of the town of Irondequoit, Monroe county, for the expense heretofore charged upon said town for the reconstruction of the improvement of Hudson avenue in said town during the year nineteen hundred two, under chapter one hundred fifteen, laws of eighteen hundred ninety-eight, one thousand nine hundred five dollars and ninety-four cents (\$1,905.94), or so much thereof as may be necessary.

For printing fifteen hundred copies of the ancient field notes and maps from seventeen hundred seventy-two to seventeen hundred ninety-eight, inclusive, for the state engineer and surveyor, being a reprint of such notes and maps from the annual report of the state engineer and surveyor for the year nineteen hundred three, five hundred forty-three dollars and ninety-two cents, to be paid for at the amount audited by the comptroller in accordance with the contract rate price fixed therefor in the contract for legislative printing for the year commencing October first, nineteen hundred three, and from any unexpended balance of appropriation made for legislative printing.



For the state engineer and surveyor for cooperation with the United States geological survey in hydrographic work connected with the measurements of volume of streams and flow of water in the state of New York, for the purpose of determining water supply available for canals and for potable and domestic uses and the development of water power, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For the state engineer and surveyor for surveys and maps for the use of the attorney-general in cases before the court of claims arising on account of the canals of the state, and for other expenses connected therewith, five thousand dollars (\$5,000), or so much thereof as may be necessary, to be made available and payable from the canal fund.

For the state engineer and surveyor, to reimburse the fund for the improvement of public highways, under chapter one hundred fifteen, laws of eighteen hundred ninety-eight, to be paid from the moneys paid into the state treasury by the several counties for amount of repairs of highways made by the state engineer and surveyor, and charged against said counties by the comptroller, under section twelve of said act, as amended by chapters fifty-three, laws of nineteen hundred two, and four hundred twenty-six, laws of nineteen hundred four, seventeen thousand eight hundred sixty-four dollars and fifty-eight cents (\$17,864.58).

For the state engineer and surveyor for traveling expenses and disbursements incurred in making examinations, surveys and maps for restoring and placing monuments on the boundary lines of the state and for expenses incurred for labor and material in procuring and placing such monuments pursuant to chapter four hundred twenty-one, laws of eighteen hundred eighty-seven as amended by chapter six hundred seventy-eight, laws of eighteen hundred ninety-two, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

For the state engineer and surveyor for the purpose of making alterations in and additions to the building occupied by the division engineer of the middle division at Syracuse in order to provide additional and sufficient room for the work of the division; and for the purpose of providing additional facilities for the filing and storing of maps, plans and other valuable records



in the office of the division engineer of the eastern division at Albany, five thousand dollars (\$5,000), or so much thereof as may be necessary.

The sum of three thousand five hundred thirteen dollars and ninety cents (re. \$3,513.90), being the unexpended balance of appropriation made by chapter seven hundred thirty, laws of nineteen hundred four, for the purpose of locating, establishing and marking the south boundary line and a portion of the southwest boundary line of Saint Lawrence county and the south boundary line of Franklin county, is hereby reappropriated for the same purpose; and also for the purpose of meeting the expenses incurred and to be incurred in the litigation connected with the action brought by E. H. Litchfield against former state engineer Edward A. Bond and others, arising from the acts of said defendants in carrying out the provisions of chapter four hundred seventy-three, laws of nineteen hundred two, and the acts amendatory thereof and supplemental thereto, in locating, establishing and marking the boundary lines of the counties therein referred to; the expenditures in connection with said litigation to be made upon the approval of the attorney-general.

The sum of seven hundred sixty dollars (re. \$760), being the unexpended balance of appropriation for the compensation of stenographers in the office of the state engineer and surveyor made by chapter five hundred ninety-eight, laws of nineteen hundred three, is hereby reappropriated for the same purpose.

For O. C. Breed, for services performed and expenses incurred by him, in making investigations and obtaining evidence in respect to claims against the state on account of the Phoenix dam, two hundred seventy-four dollars and twenty-five cents (\$274.25), to be paid on the certificate of the state engineer and surveyor.

For the state engineer and surveyor, for the purpose of carrying out the provisions of sections fifty-five-c and fifty-five-d of the highway law in relation to the supervision of the expenditure of moneys for the repair and maintenance of public highways in towns under the money system, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For the state engineer and surveyor, for surveying and preparing plans and estimates of the work necessary to make the waters between Great South bay and Shinnecock bay navigable for boats

of six feet draught, which plans and estimates shall be included in the next annual report of the state engineer and surveyor to the legislature, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the state engineer and surveyor, for the purpose of making a survey for the construction of a canal from some point on the proposed barge canal in or near the Seneca river to Cayuga lake and for the preparation of maps, plans, specifications and estimates of cost therefor, and other expenses incidental thereto, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For the state engineer and surveyor, for the purpose of carrying out the provisions of chapter one hundred fifteen, laws of eighteen hundred ninety-eight, in relation to the improvement of public highways by state aid, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

#### DEPARTMENT OF EDUCATION.

For deficiency in the appropriation for the maintenance of training schools for the professional training of teachers in accordance with the provisions of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five, for the school year ending July thirty-first, nineteen hundred four, fifteen thousand five hundred sixty-eight dollars and eighty cents (\$15,568.80).

For repairs, renewals, betterments of buildings, equipment, fixtures, furniture, and such additional accommodations in the state normal schools as may be necessary, seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary.

For repairs and improvements of school buildings and the purchase of necessary supplies for the Indian schools on the Allegany and Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian reservations, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the transportation, maintenance and support of Indian truants committed to institutions for truants, pursuant to the provisions of section nine, chapter four hundred twenty-four, laws of nineteen hundred four, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For field operations of the director of the science division and his assistants, in geology, paleontology, entomology and archaeology, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the services of special lecturers at the university convocation, five hundred dollars (\$500), or so much thereof as may be necessary.

For the establishment and maintenance of a traveling library for the use of the state charitable institutions, twelve hundred dollars (\$1,200), or so much thereof as may be necessary.

To the local board of managers of the state normal school at Fredonia, six thousand dollars (\$6,000), or so much thereof as may be necessary, to be expended under direction of the state architect in adding an astronomical observatory to said school building and in preparing the same to receive a certain telescope and attachments donated to said school by Mr. Charles E. Hequembourg of Dunkirk.

For the payment of the amount due on a contract between the local board of managers of the state normal school at Fredonia and Ward's natural scientific establishment of Rochester, for the purchase of scientific collections, three thousand thirty-nine dollars (\$3,039), or so much thereof as may be necessary.

For the educational department, to meet deficiency in lighting and heating the state normal training schools, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### MEDICAL EXAMINATIONS.

For medical examinations, pursuant to statute, twelve thousand dollars (\$12,000), to be expended as follows:

For the salary of the secretary of the state board of medical examiners, fifteen hundred dollars.

For expenses of medical examinations including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, and services of persons temporarily employed to conduct such examinations, three thousand dollars, or so much thereof as may be necessary.

For apportionment to the state boards of medical examiners on the basis provided in chapter six hundred sixty-one, laws of

eighteen hundred ninety-three and the amendments thereto, seven thousand five hundred dollars.

#### DENTAL EXAMINATIONS.

For dental examinations, pursuant to statute, five thousand two hundred dollars (\$5,200), to be expended as follows:

For expenses of dental examinations including postage, express, traveling expenses, temporary services, printing and supplies, two thousand seven hundred dollars, or so much thereof as may be necessary.

For the payment to the state dental society, two thousand five hundred dollars.

#### VETERINARY EXAMINATIONS.

For veterinary examinations, pursuant to statute, three hundred dollars (\$300), to be expended as follows:

For expenses of veterinary examinations including printing, postage, express, traveling expenses and temporary services, two hundred dollars, or so much thereof as may be necessary.

For apportionment on the basis provided in chapter six hundred sixty-one, laws of eighteen hundred ninety-three and the amendments thereto, one hundred dollars.

#### CERTIFIED PUBLIC ACCOUNTANT EXAMINATIONS.

For certified public account examinations, pursuant to statute, for expenses, four hundred dollars (\$400), or so much thereof as may be necessary.

#### NURSES' EXAMINATIONS.

For nurses' examinations, pursuant to statute, for expenses including postage, express, supplies, traveling expenses and temporary services, sixteen hundred dollars (\$1,600), or so much thereof as may be necessary.

#### DEPARTMENT OF AGRICULTURE.

For the purpose of enforcing the provisions of article four of the agricultural law, relating to diseases of domestic animals, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.



For the purpose of enforcing the provisions of article eleven of the agricultural law, relative to pure food, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the commissioner of agriculture, for additional expenses on account of increased work made necessary by amendments to the agricultural law, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the commissioner of agriculture: For salaries of two extra agents during the remainder of the fiscal year of nineteen hundred five, and for their expenses during the same period, the sum of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For the salary of the chief of bureau of agricultural statistics, one thousand five hundred dollars (\$1,500).

For the salary of the stenographer of bureau of agricultural statistics, six hundred dollars (\$600).

For defraying the expenses of the enforcement of article fourteen of the agricultural law, three thousand nine hundred dollars (\$3,900), or so much thereof as may be necessary.

For the commissioner of agriculture, to be distributed in accordance with the provisions of article five of the agricultural law and acts amendatory thereof the sum of eighteen thousand eight hundred fifty dollars and fifty-three cents (re. \$18,850.53), being the unexpended balance appropriated by chapter six hundred and seventy of the laws of nineteen hundred and four; the money hereby reappropriated to be distributed upon the beet sugar manufactured during the season of nineteen hundred and five within the state of New York. In making such distribution the commissioner of agriculture shall not award to exceed one-half of one cent per pound upon the beet sugar so manufactured and of such sum he may use not to exceed five thousand dollars in promoting and encouraging by instruction or otherwise the proper, economical cultivation of sugar beets.

#### STATE ARCHITECT.

For deficiency in appropriation for office supplies and expenses for the fiscal year ending September thirtieth, nineteen hundred five, one thousand dollars (\$1,000), or so much thereof as may be necessary.



The sum of two thousand five hundred eighty-five dollars (re. \$2,585), being the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for transportation and other expenses of supervision, is hereby reappropriated for the same purposes.

For DeWitt M. Collier, for salary and disbursements, during the months of April, May, June and July, nineteen hundred one, as inspector of the building of state reformatory for women at Bedford, five hundred twenty-seven dollars and seventy-one cents (\$527.71), or so much thereof as may be necessary.

For salary of engineer inspector from April first to September thirtieth, nineteen hundred five, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### BANKING DEPARTMENT.

For the salaries of two clerks and stenographers from May first, nineteen hundred five, to September thirtieth, nineteen hundred five, inclusive, one thousand dollars (\$1,000).

For the payment of the examiners for the examination of corporations and individual bankers pursuant to the provisions of the banking law, ten thousand dollars (\$10,000), or so much thereof as may be necessary, which shall be assessed and collected from the corporations and individual bankers according to the amount charged for the examination of each and refunded to the state treasury.

#### CIVIL SERVICE COMMISSION.

For salary of one employee of the first grade April first, nineteen hundred five, to October first, nineteen hundred six, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

#### EXCISE DEPARTMENT.

For deficiency in appropriation for the one-half part, payable by the state, as provided by section nine of the liquor tax law, of the office rent of the special deputy commissioner for the county of Erie, for the current fiscal year, sixty-two dollars and forty-seven cents (\$62.47).

For deficiency in appropriation for the one-half part, payable by the state, as provided by section nine of the liquor tax law, of the office rent of the special deputy commissioner for the boroughs of Manhattan and the Bronx, for the current fiscal year, seven hundred twenty-nine dollars and seventeen cents (\$729.17); and for the fiscal year ending September thirtieth, nineteen hundred six, one thousand two hundred fifty dollars (\$1,250).

For deficiency in appropriation for legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, for the current fiscal year, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For deficiency in appropriation for the one-half part, payable by the state, as provided by section nine of the liquor tax law, of the expenses of the office of the special deputy commissioner of excise for the borough of Richmond, including office rent and clerical help, for the current fiscal year, seventy-three dollars and thirty-three cents (\$73.33).

For deficiency in appropriation for the one-half part, payable by the state, as provided by section nine of the liquor tax law, of the expenses of the office of the special deputy commissioner of excise for the borough of Queens, including office rent and clerical help, for the current fiscal year, fifty dollars (\$50).

The state commissioner of excise is hereby authorized to employ in his discretion any needed additional help, or, for a period not to exceed three months of continuous employment, any temporary help in his department, and may employ for such temporary service any person whose name appears on any appropriate eligible list on file in the office of the state civil service commission. Payment for such temporary service, or for any additional help employed by the state commissioner of excise, may be paid out of any unexpended appropriation for the department.

#### FOREST, FISH AND GAME COMMISSION.

For the forest, fish and game commission, for the payment of rebates due the various towns on account of bills paid by them for suppressing forest fires, under chapter five hundred nine-

teen, laws of nineteen hundred one, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the payment of justices, constables, attorneys and court costs and moieties in various prosecutions, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, to be paid from the moneys received from fines and penalties, pursuant to chapter twenty, laws of nineteen hundred.

For the payment to J. B. Lyon company, for an extra edition comprising three thousand copies of the forest, fish and game law for nineteen hundred four, two hundred twenty-five dollars (\$225), or so much thereof as may be necessary.

For expenses of making surveys, witness, court, and attorneys fees in protecting the state's title and interest in state lands in the forest preserve, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For continuing the survey, mapping and plotting of state lands now under lease or to be leased in the future for the shellfish industry, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the payment of expenses of maintenance, operating expenses and repairs of state launch, seven hundred dollars (\$700), or so much thereof as may be necessary.

For the purpose of repairing docks, buildings and pavilions, and the care of state lands in the state reservation on the Saint Lawrence river, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the purpose of reforesting burned or denuded lands in the forest preserve, and for preparing and distributing instructive pamphlets on forestry subjects pursuant to the provisions of section two hundred twenty of the forest, fish and game law, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the purpose of increasing the water supply, pumping engine, pumps and installing the same at Chautauqua hatchery, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the making of a draft of a new Adirondack map which will conform to the sheets issued by the United States geological

survey, nine hundred dollars (\$900), or so much thereof as may be necessary.

For the purpose of protecting the waters of the Caledonia hatchery from pollution, and providing for the cleansing of the bed of Spring creek at and near its source and such construction as will protect the above waters from pollution, two thousand dollars (\$2,000), or as much thereof as may be necessary.

For the purpose of constructing a fishway in the Delaware river over the Deposit electric company's dam, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, said fishway to be constructed under plans prepared and approved by the state engineer and surveyor, and under his supervision.

For the construction of a fishway in the Chenango river over the dam at or near the village of Port Dickinson, said fishway to be constructed under the direction and supervision of the forest, fish and game commissioner, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For deficiency in appropriation for protectors' salaries from May eleventh, nineteen hundred four, to September thirtieth, nineteen hundred four, sixteen hundred seventy-one dollars and eleven cents (\$1,671.11).

For the purpose of enabling the forest, fish and game commission of the state to establish a trout hatchery in the town of Ellington, in the county of Chautauqua, if the construction and establishment thereof is by said commission deemed advisable the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### DEPARTMENT OF HEALTH.

For equipment and maintenance of the cancer laboratory at Buffalo, for investigation into the cause, nature, mortality rate and treatment of cancer, and the salaries of officials of the same and the publication of at least one thousand copies of its report, fifteen thousand dollars (\$15,000) and for special equipment and expenses three thousand dollars (\$3,000), or so much thereof as may be necessary, the vouchers for which shall be officially verified by the director of said laboratory, and approved by the state commissioner of health.



For use in connection with epidemics of smallpox and other contagious or infectious diseases in the several municipalities of the state, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### STATE HISTORIAN.

The sum of six hundred sixty-four dollars and twenty-six cents (re. \$664.26), being a portion of the unexpended balances of appropriations made by chapter five hundred ninety-eight, laws of nineteen hundred three, and chapter seven hundred twenty-eight, laws of nineteen hundred four, for services of clerks and other employees of the state historian, is hereby reappropriated for services and expenses in indexing the several publications of said state historian.

#### DEPARTMENT OF LABOR.

The sum of one thousand five hundred thirty-seven dollars and ten cents (re. \$1,537.10), being the unexpended balance of appropriation for special agents and clerks for the department of labor, made pursuant to chapter five hundred ninety-eight, laws of nineteen hundred three, and chapter seven hundred twenty-nine, laws of nineteen hundred four, is hereby reappropriated for the following purposes:

For the salary of expert examiner of machinery from January twenty-fifth to June first, nineteen hundred five, four hundred twenty dollars for services to said June first, from and after which date said office is hereby abolished.

For services of extra factory inspectors, one thousand one hundred seventeen dollars and ten cents, or so much thereof as may be necessary.

#### LAND OFFICE.

For the purpose of preparing, by the state engineer and surveyor, maps on a proper scale of the shore lines in the counties of Albany, Greene, Dutchess and Columbia, showing all grants of lands under water heretofore made by or under authority of the state, one thousand dollars (\$1,000), or so much thereof as may be necessary; and in addition thereto, there is hereby reappropriated, for the same purpose, the further sum of one thousand three



hundred seventy-three dollars and sixty cents (re. \$1,373.60), being the unexpended balance of appropriations made by chapter seven hundred twenty-nine, laws of nineteen hundred four, for the purpose of preparing such maps in the counties of Albany and Greene. The said maps to be made in duplicate, and to be submitted to the commissioners of the land office for their approval, one copy thereof to be filed in the office of the secretary of state and the other copy in the office of the state engineer and surveyor.

### LUNACY COMMISSION.

For the support and maintenance of the state hospitals, other than salaries and wages of officers and employees, pursuant to the provisions of the insanity law and the amendments thereto, two hundred sixty-five thousand dollars (\$265,000), or so much thereof as may be necessary, to be paid from the moneys received for board and care of private patients, sale of farm products and other miscellaneous receipts of state hospitals during the year ending September thirtieth, nineteen hundred five.

To reimburse William H. Kimball, formerly treasurer of the Manhattan state hospital, for moneys expended by him for premiums on a surety bond required from him as such treasurer by the managers of said state hospital, one thousand four hundred seventy-five dollars (\$1,475), or so much thereof as may be necessary, to be paid by the comptroller upon vouchers approved by the state commission in lunacy.

For estimated deficiency in the appropriation for the salaries of the officers of state hospitals for the year ending September thirtieth, nineteen hundred five, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For deficiency in the appropriation for the support and maintenance of the state hospitals, other than salaries and wages of officers and employees, for the year ending September thirtieth, nineteen hundred four, one hundred sixty-two thousand seven hundred forty-five dollars (\$162,745).

For deficiency in the appropriation for the wages of state hospital employees, for the year ending September thirtieth, nineteen hundred four, seventy-one thousand nine hundred thirty-two dollars and twenty-six cents (\$71,932.26).

For deficiency in the appropriation for the wages of state hospital employees, for the year ending September thirtieth, nineteen hundred five, two hundred nine thousand five hundred fifty-three dollars and sixty-eight cents (\$209,553.68), or so much thereof as may be necessary.

For deficiency in the accounts of the treasurer and steward of the Long Island state hospital at Kings Park caused by the defalcation of the bookkeeper of that institution and to reimburse the so-called "commutation ticket fund" two thousand four hundred thirty-two dollars and eighty cents; to reimburse the "manufacturing" funds five hundred seventy-two dollars and eighty-four cents, and to reimburse the treasurer's "patients accounts," four hundred ninety-nine dollars and forty-seven cents, making a total of three thousand five hundred five dollars and eleven cents (\$3,505.11), or so much thereof as may be necessary.

For deficiency in the accounts of the treasurer of the Rochester state hospital caused by the defalcation of the bookkeeper of that institution and to reimburse the board account of patients, the supplies and manufacturing accounts and the fund belonging to patients at that institution, nine hundred four dollars and seventy-two cents (\$904.72), or so much thereof as may be necessary.

To reimburse state hospital superintendents, for disbursements incurred by them in carrying out the provisions of chapter twenty-six, laws of nineteen hundred two, imposing upon hospital superintendents the duties of hospital treasurers between April, nineteen hundred two, and October, nineteen hundred three, five thousand four hundred dollars (\$5,400), or so much thereof as may be necessary.

The sum of two thousand five hundred dollars (re. \$2,500), being the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for clerks, messengers, experts and other employees in the office of the state commission in lunacy, is hereby reappropriated for deficiency for printing, stationery, postage and other necessary office expenses for the year ending September thirtieth, nineteen hundred four.

#### NATIONAL GUARD.

For the adjutant-general, to enable him to comply with section sixteen of the military code, and to complete the personal records

of the regiments, companies, troops, batteries and marines of this state which served in the war of the rebellion, and for printing and binding the same in book form under the direction of the adjutant-general, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For the adjutant-general, for payment of pensions to members of the national guard and naval militia, and pay and care for the same when injured or disabled in service, pursuant to sections one hundred sixty-two and one hundred sixty-five of the military code; for payment of expenses and examinations of claims for pensions under said act, and for the payment of a pension to Hiram Cronk, a surviving soldier of the war of eighteen hundred twelve, as authorized by chapter one hundred seventy-eight, laws of nineteen hundred four, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the adjutant-general, for services and necessary traveling expenses in prosecuting war claims of the state against the United States, under his direction, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the armory commission, for repairs, improvements, and betterments of the state arsenals, armories, camp grounds, and the rifle ranges at Creedmoor and throughout the state, and for necessary office and traveling expenses of the commission, one hundred twenty thousand dollars (\$120,000), or so much thereof as may be necessary.

For the general expenses of the national guard of the state and the office of the adjutant-general, to reimburse expenditures made in mobilizing troops at Albany for duty as escort to the governor in connection with the inaugural ceremonies, two thousand one hundred seventy-six dollars and seventy-four cents (\$2,176.74).

For the county of Broome, to reimburse said county for heating apparatus and other fixtures, purchased and installed by said county in the armory or military storehouse located in such county, and which apparatus and fixtures were sold by the state with said building without recompense to said county therefor, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For J. H. Sullivan, for materials furnished by him in the construction of the state armory at Whitehall, one hundred ninety-five dollars and thirty-one cents (\$195.31), to be paid by the comptroller on the written requisition of the armory commission.

For the payment of the paving tax heretofore levied by the village of Oneonta, for the paving of Fairview and Academy streets in front of the state armory, nine hundred twenty-five dollars (\$925), or so much thereof as may be necessary, to be paid upon the audit of the armory commission.

#### NIAGARA RESERVATION.

For the commissioners of the state reservation at Niagara, for the construction of a new structure over the inclined railway, extending from the face of the cliff to the terminal station below, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

The sum of seven hundred forty-six dollars and seventy-four cents (re. \$746.74), or so much thereof as may be necessary, being the unexpended balances of appropriations made in nineteen hundred three, for survey of road to Lake Ontario and for alteration to inclined railway building, is hereby reappropriated for the purchase of labor saving machinery for the state reservation at Niagara.

#### STATE COMMISSION OF PRISONS.

For the state commission of prisons, the sum of three hundred ninety dollars and seventy-two cents (re. \$390.72), being the unexpended balance of appropriation made by chapter five hundred ninety-eight, laws of nineteen hundred three, for necessary traveling expenses, inspecting penal institutions, and for office expenses, is hereby reappropriated for the same purposes.

#### DEPARTMENT OF PRISONS.

For providing current literature for the several state prisons, two thousand dollars (\$2,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For securing additional instruction in the several state prisons, four thousand three hundred dollars (\$4,300), or so



much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For the board of classification, for stationery and office expenses, four hundred dollars (\$400), or so much thereof as may be necessary; for stenographic services, two hundred fifty dollars (\$250), or so much thereof as may be necessary; for traveling expenses of the secretary and pricing committee, two hundred dollars (\$200), or so much thereof as may be necessary.

For one assistant physician at Clinton prison, fifteen hundred dollars (\$1,500).

For the purchase of land damaged by change of water course at the Eastern New York reformatory, fourteen hundred dollars (\$1,400), or so much thereof as may be necessary.

For transferring prisoners to the Eastern New York reformatory from the prisons, and the New York state reformatory, two thousand dollars (\$2,000), or so much thereof as may be necessary.

The sum of two thousand dollars (re. \$2,000), being the unexpended balance of appropriation made by chapter seven hundred twenty-five, laws of nineteen hundred four, for new roof on state shop and laundry building at Clinton prison, is hereby reappropriated and made available for new concrete floor in laundry and for painting cell blocks at Clinton prison.

For the Matteawan state hospital for insane criminals for maintenance, to be paid from the moneys paid into the state treasury by said institution under section thirty-seven of the state finance law, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the Eastern New York reformatory, for window guards on new mess hall, seven hundred dollars (\$700), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

#### CONVICT DEPOSIT AND MISCELLANEOUS EARNINGS FUND.

For Auburn prison, payable from the convict deposit and miscellaneous earnings fund of said prison, to be expended under the direction of the superintendent of state prisons, as follows: for equipment for and repairs to clerk's and physician's offices, one thousand two hundred dollars; repairs to front entrance,



three hundred dollars; repairs to barn, five hundred dollars; painting exterior of main building, two hundred dollars.

#### MAINTENANCE OF CONVICTS.

For deficiency in appropriation for the payment of the accounts rendered by the several penitentiaries of the State, for the fiscal year ending September thirtieth, nineteen hundred four, for the maintenance of convicts and tramps sentenced to said penitentiaries pursuant to law, forty-one thousand dollars (\$41,000), or so much thereof as may be necessary.

#### DEPARTMENT OF PUBLIC BUILDINGS.

For the compensation of the secretary to the trustees of public buildings, one thousand dollars (\$1,000).

For the extraordinary repairs and ordinary maintenance of the senate house at Kingston, to be expended in the discretion of the superintendent of public buildings, three hundred dollars (\$300), or so much thereof as may be necessary.

For painting and other incidental repairing and furnishings necessary to preserve and renew the buildings, premises and property in charge of the superintendent of public buildings, and to be expended in his discretion, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the necessary repair, renewal, improvement and enlargement of the plumbing and drainage systems of the public buildings under the control of the trustees of the public buildings, and of the fixtures and appliances connected therewith, to be expended in the discretion of the superintendent of public buildings acting under their direction, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For fitting up the rooms on the fourth floor of the capitol formerly used by the superintendent of the Adirondack survey, known as numbers four hundred forty-two and four hundred forty-three, with heating, lighting, plumbing and other office facilities, fixtures and appurtenances, in the discretion of the superintendent of public buildings, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the purchase, installation and proper connection with the present boiler system of the capitol boiler house, of a new boiler,

for the proper heating, lighting and power service of the capitol and other buildings in charge of the trustees of public buildings, and for the removal of the present unused two old boilers located in said boiler house, to be expended in the discretion of the superintendent of public buildings, acting under the direction of said trustees, five thousand dollars (\$5,000), or so much thereof as may be necessary.

The sum of fifty-two thousand dollars (re. \$52,000), being the unexpended balance of an appropriation made by chapter six hundred, laws of nineteen hundred three, for the purchase and installation of an electric plant, including boilers, piping and everything necessary for its complete installation, for the lighting of the capitol, the executive mansion, and such other buildings belonging to the state as the commissioners of public buildings may think expedient, or so much thereof as may be necessary, is hereby reappropriated for the same purposes.

#### DEPARTMENT OF PUBLIC WORKS.

For the operation, maintenance and repair of the drawbridge known as Drake's drawbridge spanning Wappinger creek, in the village of New Hamburg, in the county of Dutchess, for the year ending March first, nineteen hundred six, as provided by chapter two hundred thirty-nine, laws of eighteen hundred ninety-two, six hundred dollars (\$600), or so much thereof as may be necessary.

Fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby appropriated from the CANAL FUND to pay for the services and disbursements incurred by the agent employed by the superintendent of public works on the request of the attorney-general, as provided in section two hundred seventy. code of civil procedure, in defense of claims against the state on account of the canals, such sum to be advanced to said agent by the comptroller in such sums as may be approved by him upon such agent filing with the comptroller a good and sufficient bond in the penalty of fifteen thousand dollars, and vouchers shall be rendered for the advances made.

For cleaning out state ditches along the line of the Erie canal and Champlain canal, which became filled during the

canal enlargement work progressed under chapter seventy-nine, laws of eighteen hundred ninety-five, as amended, in order to prevent further overflow of land and damage to private property in the vicinity of said ditches, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary; said work to be progressed by the superintendent of public works at as early a date as conditions make favorable.

For reimbursing A. Willard Hitchcock for moneys expended for replanking an iron bridge spanning the Hudson river, between Northumberland, Saratoga county, and Greenwich, Washington county, rendering the structure safe for passage of towing-teams whose use for such purpose was rendered necessary by the destruction by fire of the so-called Northumberland bridge, seven hundred twenty-eight dollars and twenty-two cents (\$728.22), or so much thereof as may be necessary; the payment to be made upon the presentation of duly verified bills for material and labor, in the same manner as in the case of direct disbursements by the state.

For deficiency in appropriation made by chapter seven hundred twenty-eight, laws of nineteen hundred four, for the payment of the expenses, maintenance and the ordinary repairs of the canals of the state, thirty thousand dollars (\$30,000), being the amount advanced from said appropriation to division engineers for their salaries and compensation, including their incidental expenses for the current fiscal year.

For reimbursing the village of Fort Plain, Montgomery county, for expense of paving the approaches to Main and River streets lift bridges across the Erie canal in said village, seven hundred forty-three dollars and twenty-five cents (\$743.25), or so much thereof as may be necessary.

For the construction of a dike or dikes along the banks of the Beaverkill and Delaware river, at a point opposite the juncture of such streams with the east branch of the Delaware river, in the town of Hancock, county of Delaware, of such a nature and for such a distance as to prevent the overflow of lands and the consequent damage to property in such town and the threatened injury to the health of the inhabitants thereof, and the removal of obstructions from such streams at or near such point, eight thousand dollars (\$8,000), or so much thereof as may be

necessary. The work of such construction shall be done by the superintendent of public works, or under his direction and control, in accordance with plans, specifications and estimates to be prepared by the state engineer and surveyor. No part of such money shall be available for the purposes specified until the owners of the lands upon which such dike or dikes are to be built shall have filed with the superintendent of public works, an instrument in writing, granting to the state the right to erect and forever maintain such dike or dikes, and releasing the state from all damages which may have accrued up to the date of the execution thereof by reason of the overflow of such lands; and nothing herein shall be construed as a recognition or assumption of any liability on the part of the state for any damages done by the overflow of such rivers.

For abating the nuisance caused by the Chemung canal and for that purpose to drain and clean out Catherine creek at Pine valley and Millport in the town of Veteran, Chemung county, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the repair of the state dam on the Grasse river, and the improvement of the stream, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For the completion of the state dam on the Saint Regis river, in the town of Brasher, three hundred fifty dollars (\$350), or so much thereof as may be necessary.

For the construction, repairing and maintaining highways and bridges on the various Indian reservations of the state, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For widening the embankment and raising portions of the roadway in Chautauqua county, leading from the Cattaraugus Indian reservation to the village of Irving, sufficient to make said roadway secure against floods, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For rebuilding the dam across the Great Chazy river at Chazy lake, authorized by chapter two hundred eighty-nine, laws of eighteen hundred sixty-eight, five thousand dollars (\$5000), or so much thereof as may be necessary.



For cleaning out, deepening and improving the channels of the creeks, water courses and state ditches and their tributaries, located in the north part of the town of Amherst, and in the town of Clarence, Erie county, that flow and drain into Tonawanda and Ellicott creeks in said town, and include Black creek from Wolcottsburg in the town of Clarence to where it emptied into Ransom creek in the town of Amherst, and to put in order and repair the said ditches which were constructed between said Tonawanda and Ellicott creeks in said town of Amherst in order to drain the lands and highways in the towns aforesaid, and which are overflowed by back water occasioned by the erection of a state dam for canal purposes, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the construction of an aqueduct with steel or timber trunk in place of the present double arch culvert for the passage of the waters of Oneida creek under the Erie canal at Durhamville, on the line between the counties of Madison and Oneida, according to plans and specifications therefor to be prepared by the state engineer and surveyor, sixty thousand dollars (\$60,000), or so much thereof as may be necessary, to be paid by the state treasurer, upon the warrant of the comptroller to the order of the superintendent of public works; no part of said money shall be available except for necessary advertising, engineering, surveys and the necessary plans, until a contract or contracts in due form shall have been entered into between the state and some responsible person, firm or corporations for the completion of said work at a cost within the amount hereby appropriated; the above sum of sixty thousand dollars shall be refunded to the general fund by the canal fund from the appropriation made by chapter one hundred forty-seven, laws of nineteen hundred three, as soon as said appropriation shall become available, and the amount so refunded shall become a part of the general fund.

For repairs to the public highway in the town of Fowler, Saint Lawrence county, along and near the Oswegatchie river, in said town, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For repairing the highway in the town of Madison, leading from Madison Center to Hamilton, and for repairing the highway leading from Solsville to Oriskany Falls, and for the erection of



guard rails, nine hundred dollars (\$900), or so much thereof as may be necessary.

For the construction of a breakwater in the Black river in the town of Crogan, Lewis county, at a point about two and one-half miles east of the village of Carthage, for the protection of the so-called river road, and for the erection of a suitable guard rail along said road, and for repairing damage to said road resulting from the wash from said Black river, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For lamps, and the care and maintenance of same, for lighting the east shore of Cayuga lake, between high and low water mark on the easterly end of Long point and on the westerly end of Lake Ridge point, and for a new lamp in the lighthouse at Cayuga on said lake, two hundred ten dollars (\$210), or so much thereof as may be necessary.

For the purpose of restoring about six hundred feet of the roadway on the west shore of Owasco lake in the town of Fleming, Cayuga county, near the Four Mile house, and protecting the same with riprap or masonry where the roadway has been washed out or damaged by the waters of the lake, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For the purpose of making a cut-off at the junction of the abandoned Chenango canal with Baldwin's creek in the village of Oxford, Chenango county, and restoring to its original channel the waters of said Baldwin's creek and conducting the same for a distance of about sixteen rods into the Chenango river and constructing a culvert in connection with said work, upon plans and specifications to be prepared by the state engineer and surveyor, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For cleaning out and improving the state dam, erected pursuant to chapter six hundred twenty-one, laws of eighteen hundred ninety-eight, at the junction of the streams known as the Basha's kill and the Pine kill, in the town of Mamakating, Sullivan county, and in improving the channel of the Basha's kill at said junction, five hundred dollars (\$500), or so much thereof as may be necessary.

For reimbursing Alan C. Fobes, mayor of the city of Syracuse, for moneys advanced by him personally to the superintendent of

public works toward defraying the cost of constructing a bridge over the Oswego canal at Willow street in the city of Syracuse, and representing a portion of the appropriation for the city's share thereof, made by said city and deposited to the credit of the superintendent of public works under the provisions of chapter six hundred, laws of nineteen hundred three, in the American exchange national bank in said city and which is not now available by reason of the insolvency of said bank, two thousand three hundred seventy-five dollars (\$2,375). All moneys received by the superintendent of public works from the receiver of said bank on account of said deposit shall be paid over by the superintendent of public works to the state treasurer to reimburse the state for the amount hereby appropriated.

For the purpose of removing dead and floating timber from the waters of Cranberry lake reservoir, Saint Lawrence county, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the purpose of removing dead and floating timber and cleaning and rendering safe Saranac lake and Oseetah lake between the state dam and lake Flower, township twenty-four, Franklin county, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For the repair of the bridge at the outlet of Keuka lake on Liberty street, Penn Yan, four hundred dollars (\$400), or so much thereof as may be necessary.

#### QUARANTINE.

For the commissioners of quarantine, for deficiency in appropriation for care and maintenance, because of necessary repairs at Swinburne and Hoffman islands, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the health officer of the port of New York, for the maintenance of the bacteriological laboratory at quarantine station required for immediate determination of the character of suspected cases of epidemic diseases entering the port of New York, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For repairs to steamers of the health officer of the port of New York, which expense was necessarily incurred and paid on account of an emergency arising, duly certified by the health officer of the port of New York and approved by the governor, attorney-general and comptroller, under the provisions of section eighty-three of the public health law, two thousand four hundred seven dollars (\$2,407), or so much thereof as may be necessary.

For the payment of the following expenses of the health officer of the port of New York, namely:

For plumbing office, laboratory and houses, six hundred forty-four dollars and sixty-nine cents (\$644.69).

For mason work for office, laboratory and houses, four hundred ninety-seven dollars and eighty-five cents (\$497.85).

For new heating apparatus for houses of deputy health officers, four hundred eighty-five dollars and fifty cents (\$485.50).

For gas apparatus for the supply of illuminating gas for departments, fifteen hundred eighty-eight dollars and eighty cents (\$1,588.80).

#### RAILROAD COMMISSION.

For the board of railroad commissioners, to carry into effect the provisions of chapter seven hundred fifty-four, laws of eighteen hundred ninety-seven, entitled "An act to amend the railroad law and the acts amendatory thereof relative to grade crossings," and the acts amendatory thereof, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

The sum of seventy-five thousand dollars (re. \$75,000), being the unexpended balance of appropriation made by chapter six hundred, laws of nineteen hundred three, to apply toward the abolition of grade crossings in the city of Schenectady, pursuant to chapter three hundred seventy-six, laws of nineteen hundred two, is hereby reappropriated for said purpose.

For the salary of a stenographer at the New York office for the months of May, June, July, August and September, nineteen hundred five, at the rate of fifteen hundred dollars per year, six hundred twenty-five dollars (\$625), or so much thereof as may be necessary. Said amount of six hundred twenty-five dollars shall be refunded to the treasury by the several corporations own-

ing or operating railroads in this state, in such manner and proportion as is prescribed by law.

### STATE FAIR COMMISSION.

For the state fair commission, for the payment of premiums at the state fair to be held in the year nineteen hundred five, thirty thousand dollars (\$30,000).

### TAX COMMISSIONERS.

For deficiency in appropriation for services and expenses of experts for appraisement and valuation, and for salaries of special agents for the current fiscal year, four thousand eight hundred dollars (\$4,800), or so much thereof as may be necessary.

### STATE CHARITABLE INSTITUTIONS.

#### REFUNDS.

The following sums shall be paid from the money paid into the treasury of the state under section thirty-seven of the state finance law, as added by chapter five hundred eighty, laws of eighteen hundred ninety-nine and amended by chapter four hundred fifty-seven, laws of nineteen hundred one:

For the New York state school for the blind at Batavia, two thousand dollars (\$2,000); for the New York state institution for feeble minded children at Syracuse, twelve thousand eight hundred thirty-one dollars and twenty-eight cents (\$12,831.28); for the New York state reformatory at Elmira, ten thousand dollars (\$10,000); for the Craig colony for epileptics at Sonyea, fifteen thousand dollars (\$15,000).

The amount so paid into the state treasury under the provisions of such section on account of clothing furnished to inmates, miscellaneous sales and from other sources, excepting the proceeds of the products of industries and farms, shall be expended for maintenance; the amount so paid from the proceeds of the products of the industries and farms of such institutions shall be expended for the development, maintaining and extending of the agricultural and industrial departments thereof.

NEW YORK STATE HOSPITAL FOR THE TREATMENT OF INCIPIENT  
PULMONARY TUBERCULOSIS AT RAY BROOK.

For the maintenance fund of the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, for the fiscal year ending September thirtieth, nineteen hundred five, nine thousand dollars (\$9,000).

For the New York state hospital for the treatment of incipient pulmonary tuberculosis for the equipment of a laboratory and for appliances and supplies therefor, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

## NEW YORK STATE SOLDIERS' AND SAILORS' HOME AT BATH.

To reimburse the maintenance fund of the New York state soldiers' and sailors' home at Bath, for the fiscal year ending September thirtieth, nineteen hundred five, for expenditures from it for equipment and extraordinary repairs, two thousand nine hundred dollars (\$2,900).

For equipping the boiler room of the New York state soldiers and sailors' home at Bath with fuel-saving devices, five thousand dollars (\$5,000), or so much thereof as may be necessary.

NEW YORK STATE CUSTODIAL ASYLUM FOR FEEBLE-MINDED WOMEN  
AT NEWARK.

For erecting iron fire escapes on cottage dormitories at the New York state custodial asylum for feeble-minded women at Newark, seven hundred dollars (\$700), or so much thereof as may be necessary.

## REAPPROPRIATIONS.

The following unexpended balances of former appropriations are hereby reappropriated for the same purposes as follows, viz.: For the western house of refuge for women at Albion, under chapter five hundred eighty-eight, laws of nineteen hundred three, for repairs and equipment, four hundred forty-seven dollars and sixty-two cents (re. \$447.62).

For the New York state school for the blind at Batavia, under chapter five hundred seventy-four, laws of nineteen hundred three, for laundry equipment, one thousand four hundred ninety-two dollars and sixty-two cents (re. \$1,492.62).



For the New York state soldiers' and sailors' home at Bath, under chapter five hundred eighty-four, laws of nineteen hundred three, for additional work on barracks, ninety-four dollars and thirty-six cents (re. \$94.36) ; for repairs and equipment, two hundred forty-nine dollars and eighty-three cents (re. \$249.83) ; under chapter five hundred ninety-nine, laws of nineteen hundred three, for repairs to electrical plant, fifty-two dollars and fifty-six cents (re. \$52.56).

For the New York state reformatory for women at Bedford, under chapter five hundred ninety-nine, laws of nineteen hundred three, for farm and other utensils, ninety-five dollars and forty-two cents (re. \$95.42).

For the New York state reformatory at Elmira, under chapter five hundred seventy-five, laws of nineteen hundred three, for domestic building, twenty-five thousand two hundred fifty-three dollars and five cents (re. \$25,253.05) ; for inspection, four hundred seventy-four dollars and seventy-eight cents (re. \$474.78) ; for spillway to reservoir, four thousand seven hundred ninety-three dollars and twenty-three cents (re. \$4,793.23) ; under chapter five hundred ninety-nine, laws of nineteen hundred three, for conduits, forty dollars (re. \$40) ; for electric cables, wires, et cetera, four hundred thirty-six dollars and seventy-four cents (re. \$436.74) ; for plumbing, sewage repairs and reconstruction, four thousand nine hundred sixty-four dollars and sixty-six cents (re. \$4,964.66) ; for repairs to electrical plant, two hundred fifty-six dollars and twenty-two cents (re. \$256.22).

For the New York state custodial asylum for feeble-minded women at Newark, under chapter five hundred eighty-nine, laws of nineteen hundred three, for fire escapes for cottage G, six hundred dollars (re. \$600) ; for furnishing cottage G, three thousand two hundred fifty dollars (re. \$3,250) ; for renovating superintendent's cottage, nine hundred dollars (re. \$900) ; under chapter five hundred ninety-nine, laws of nineteen hundred three, for sewage disposal plant and land, nine thousand four hundred sixty-four dollars and sixty-one cents (re. \$9,464.61).

For the New York state woman's relief corps home at Oxford, under chapter five hundred eighty-three, laws of nineteen hundred three, for furnishing cottage D, two hundred four dollars and thirty-two cents (re. \$204.32) ; for retaining wall, four hun-

dred eighty dollars (re. \$480); for conduit, piping and repairs to steam plant, five hundred sixty-eight dollars and forty-two cents (re. \$568.42); for portable oven, two hundred seventy-five dollars (re. \$275); for repairs and equipment, four hundred eighty-one dollars and eleven cents (re. \$481.11); under chapter five hundred ninety-nine, laws of nineteen hundred three, for furnishing and equipping dining room buildings, et cetera, four hundred sixty-six dollars and seventy-seven cents (re. \$466.77).

For the society for the reformation of juvenile delinquents on Randall's Island, under chapter five hundred ninety-two, laws of nineteen hundred three, for completing steam plant repairs, three thousand four hundred thirty-seven dollars and eighty-three cents (re. \$3,437.83); for repairs and equipment, five hundred fifty-six dollars and eighty-four cents (re. \$556.84); under chapter five hundred ninety-nine, laws of nineteen hundred three, for general electric repairs, one hundred thirty-three dollars and fifty-nine cents (re. \$133.59).

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, under chapter five hundred forty-seven, laws of nineteen hundred three, for dormitory pavilion, female patients, two thousand three hundred thirty-nine dollars and thirty-seven cents (re. \$2,339.37); for furnishing and equipment, five hundred four dollars and eighty-four cents (re. \$504.84); under chapter five hundred ninety-nine, laws of nineteen hundred three, for construction and equipment, five thousand two hundred seventy-two dollars and four cents (re. \$5,272.04).

For the state industrial school at Rochester, under chapter five hundred ninety-nine, laws of nineteen hundred three, for repairs and equipment, sixty-one dollars and sixty-one cents (re. \$61.61); for site and buildings, four thousand one hundred twenty dollars and ninety-one cents (re. \$4,120.91).

For the Rome state custodial asylum at Rome, under chapter five hundred seventy-two, laws of nineteen hundred three, for feed pump, water heater, connections, et cetera, one hundred twenty-two dollars and eighty-four cents (re. \$122.84); under chapter five hundred ninety-nine, laws of nineteen hundred three, for addition to boiler house, two hundred sixty-nine dollars and three cents (re. \$269.03); for electric wiring and fixtures build-

ing G, forty-four dollars and eighty-eight cents (re. \$44.88); for stock and utensils for farm, forty-three dollars and forty-two cents (re. \$43.42).

For the Craig colony for epileptics at Sonyea, under chapter five hundred eighty-five, laws of nineteen hundred three, for dormitories, sixteen thousand six hundred seventy-four dollars and sixty-two cents (re. \$16,674.62); for furnishings, three thousand four hundred eighty-nine dollars and thirteen cents (re. \$3,489.13); for pavilion for contagious diseases, sixty-nine dollars and seventy-four cents (re. \$69.74); for sewage disposal, two thousand dollars (re. \$2,000); under chapter five hundred ninety-nine, laws of nineteen hundred three, for clearing and draining land, fruit trees, et cetera, forty-seven dollars and ninety cents (re. \$47.90).

For the New York state hospital for the care of crippled and deformed children at West Haverstraw, under chapter five hundred ninety-nine, laws of nineteen hundred three, for isolating pavilion, one thousand four hundred ninety-six dollars and twenty-five cents (re. \$1,496.25); for site, hospital and equipment, twelve thousand two hundred one dollars and nine cents (re. \$12,201.09).

The following unexpended balances of former appropriations are hereby reappropriated for the purposes stated as follows, namely:

For the Western house of refuge for women at Albion, under chapter seven hundred twenty-one, laws of nineteen hundred four, for lighting equipment, the following portion of the unexpended balance to be reappropriated for furnishings, one thousand eight hundred dollars (re. \$1,800).

For the New York state school for the blind at Batavia, under chapter seven hundred nineteen, laws of nineteen hundred four, for laundry, power house, smoke stack and coal pocket, the following portion of the unexpended balance, one thousand five hundred twenty-six dollars and twenty-one cents (re. \$1,526.21), and the unexpended balance for two boilers, one thousand forty-four dollars and fifty-one cents (re. \$1,044.51), to be reappropriated for repairs and equipment.

For the New York state reformatory at Elmira, under chapter five hundred seventy-five, laws of nineteen hundred three, for feed water purifier, et cetera, to be reappropriated for plumbing in cell

block. two thousand four hundred ninety-seven dollars (re. \$2,497).

For the New York state training school for girls at Hudson, under chapter five hundred ninety, laws of nineteen hundred three, for new boilers, to be reappropriated for dynamo, engine and connections, two thousand three hundred forty-eight dollars and six cents (re. \$2,348.06) ; under chapter seven hundred twenty-nine, laws of nineteen hundred four, for exercise room, to be reappropriated as follows: for ranges and fittings, five hundred dollars (re. \$500) ; for fire escapes, three hundred dollars (re. \$300) ; for trees and shrubs, one hundred seventy-four dollars and eighty cents (re. \$174.80).

For the New York state woman's relief corps home at Oxford, under chapter seven hundred twenty-nine, laws of nineteen hundred four, for additional boiler connections, to be reappropriated for cottage for farmer, one thousand three hundred one dollars and forty-five cents (re. \$1,301.45).

For the society for the reformation of juvenile delinquents on Randall's Island, under chapter seven hundred twenty-nine, laws of nineteen hundred four, for Trachoma building, to be reappropriated for repairs and equipment, two thousand five hundred forty-six dollars and forty-seven cents (re. \$2,546.47).

### MISCELLANEOUS.

For the Department of New York Grand Army of the Republic, for incidental office expenses, including postage, printing, telegraph and telephone charges, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For the New York monuments commission for the battlefields of Gettysburg and Chattanooga, for payment of engineer and secretary and necessary employees, and for such other expenses as may be required for the work of said commission, including actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation for their services, as provided by section six, chapter three hundred seventy-one, laws of eighteen hundred ninety-four, and the provisions of chapter two hundred sixty-nine, laws of eighteen hundred eighty-seven, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.



For the New York monuments commission for the battlefields of Gettysburg and Chattanooga, for the erection of a bronze statue of Brevet Major-General George Sears Greene, deceased, on the battlefield of Gettysburg in the state of Pennsylvania, being the balance of expenditure therefor authorized by chapter five hundred sixty-eight, laws of nineteen hundred three, five thousand dollars (\$5,000), or so much thereof as may be necessary, to be paid upon proper vouchers duly certified by the presiding officer of the board of commissioners.

For the New York monuments commission, for the battlefields of Gettysburg and Chattanooga, eleven thousand dollars (\$11,000), or so much thereof as may be necessary, to place on the monument to be erected on Lookout Mountain a bronze group of statuary representing "Reconciliation," authorized by chapter one hundred sixty-two, laws of nineteen hundred, to be paid upon proper vouchers duly certified by the presiding officer of the board of commissioners.

For Owen L. Potter, for preparing the table of laws amended and repealed by the laws of nineteen hundred four, and which tables were published in the session laws of nineteen hundred four as a part of the index thereof, three hundred dollars (\$300).

For salary of superintendent of Onondaga salt springs, as provided by chapter twenty-seven, laws of eighteen hundred ninety-eight, fifteen hundred dollars (\$1,500).

For the care and improvement of the Clinton house at Poughkeepsie, two hundred dollars (\$200), or so much thereof as may be necessary.

For George H. Thornton, for additional compensation for reporting the investigation prosecuted by the committee on cities of the senate during the years eighteen hundred ninety and eighteen hundred ninety-one, one thousand six hundred sixty-six dollars and eighty-two cents (\$1,666.82).

For the salary classification commission, for necessary disbursements of railway and hotel expenses, clerical and stenographers' services, six hundred dollars (\$600), or so much thereof as may be necessary, payable by the treasurer upon the warrant of the comptroller upon verified itemized accounts certified by the president of said commission, as required from time to time for services rendered or disbursements incurred.



For the New York state commissioners of the Lewis and Clark centennial exposition in defraying the general expenses of said commission and for transportation of exhibits to Portland, Oregon, and return, and for such other expenses as may be required in the work of said commission including actual necessary and traveling and other contingent expenses incurred by the said commission, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the actual and necessary expenses of such delegates to the national conference of sealers of weights and measures to be held at Washington, district of Columbia, during the ensuing year under the auspices of the federal government as shall be appointed by the governor, five hundred dollars (\$500), or so much thereof as may be necessary.

For the maintenance and medical care by the Albany hospital of such officers, members and employees of the several branches, departments and bureaus of the state government located at Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the Albany hospital, who shall be designated by him, shall have been filed with said superintendent.

The sum of one hundred one thousand two hundred fifty dollars and sixty-two cents (re. \$101,250.62), being the unexpended balance of appropriation made by chapter six hundred ninety, laws of nineteen hundred one, and reappropriated by chapter six hundred, laws of nineteen hundred three, for the commissioners of the palisades interstate park, to be used by them in carrying out the purposes of chapter one hundred seventy, laws of nineteen hundred, is hereby reappropriated and made available and paid in the same manner as provided in the acts referred to.

For the supervisor of the town of Mexico, Oswego county, fifty dollars (\$50), or so much thereof as may be necessary, for the care and improvement of the grounds and monument on Spy Island at the mouth of Salmon creek, in the town of Mexico, Oswego county, said monument having been dedicated July

fourth, eighteen hundred seventy-one, to commemorate the memory of Silas Town, a revolutionary soldier, said island and monument having become the property of the people of the state of New York in nineteen hundred four.

For the river improvement commission, for making and preparing maps, plans, assessments and estimates in connection with the proceeding now pending for the proposed improvement of the Chenango river at Binghamton, six hundred dollars (\$600), or so much thereof as may be necessary.

For reimbursing the towns of Cattaraugus county for expenses incurred by the poor officers of such towns in the care and maintenance of indigent Indians, during the smallpox epidemic in the winter of nineteen hundred three and nineteen hundred four, as follows: For the town of Elko, three hundred eighty-one dollars and seventy-two cents (\$381.72); for the town of Cold Spring, one hundred thirty-five dollars and eighty cents (\$135.80); and for the town of Salamanca, two hundred thirty-seven dollars and fifty-six cents (\$237.56); payable on the presentation to the comptroller by the overseer of poor of the town of satisfactory proof of such expenditures.

To aid in extending the reading courses and the free winter courses for farmers' sons and daughters, in the college of agriculture at Cornell university, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

To establish and equip a good roads school in the college of agriculture at Cornell university, and to provide for the instruction therein of highway commissioners, overseers of highways or other officers and persons in charge of the roads of the state, in the science of road making, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

The sum of two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter seven hundred thirty, laws of nineteen hundred four, for reimbursing the E. A. Denniston company for penalties deducted from the contract price on account of delay in completing the state tuberculosis hospital at Ray Brook, is hereby reappropriated for the payment of said claim to the state bank of Syracuse, as the assignee thereof.

For the river improvement commission, appointed under chapter seven hundred thirty-four, laws of nineteen hundred four, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For the purpose of erecting a memorial column in the portico of memorial continental hall, Washington, District of Columbia, one thousand dollars (\$1,000), or so much thereof as may be necessary, the same to be paid on proper vouchers duly certified by the president general of the national association of the daughters of the American revolution.

For the board of port wardens of the port of New York, for services in assisting the board of alienists, appointed under chapter three hundred twenty-six, laws of nineteen hundred four, in the manner provided in said act, nine thousand dollars (\$9,000), said port wardens to be paid out of said amount one thousand dollars each.

§ 2. No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be individually interested in any purchase, sale or contract made by any officer for any of said institutions.

In accounts for repairs or new work not done under contract provided for in this act the name of each workman, the number of days he is employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, duplicates thereof, with specifications, shall be filed with the comptroller.

Moneys herein appropriated or reappropriated for building or structural work, or for the repair, improvement or furnishing thereof, or for the purchase or improvement of grounds, or for labor, salaries or maintenance shall only be advanced to the proper authorities as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

§ 3. This act shall take effect immediately.

(No. 14.)

Report of the committee on the judiciary in the matter of the investigation of the accusations against Warren B. Hooker, a justice of the Supreme Court.

*To the Assembly:*

Your Committee on Judiciary, which was, by resolution adopted February 1, 1905, directed to investigate the truth of certain accusations against Honorable Warren B. Hooker, a justice of the Supreme Court, and all matters relating thereto or connected therewith, and all other matters relating to or affecting the fitness of said Warren B. Hooker to hold the office of justice of the Supreme Court; and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said Committee, together with its opinion thereon, and such recommendations as the Committee might make in the matter, respectfully report:

That, as soon as practicable, your Committee entered upon the discharge of its duties under said resolution and have ever since been almost continually engaged in such investigation. That soon after the adoption of said resolution the Committee retained Mr. Henry B. Coman, of Morrisville, N. Y., as its counsel, and Henry C. Lammert as its stenographer, and adopted a resolution inviting the New York State Bar Association, the Bar Association of the City of New York, the Brooklyn Bar Association and the Jamestown Bar Association to co-operate with the Committee and its counsel in the matter of procuring witnesses and evidence material and relevant to such investigation.

Soon after the adoption of said resolution it was found by the Committee and its counsel that a large amount of documentary evidence, material and relevant to the inquiry, was on file in the Postoffice Department at Washington, D. C., and an effort was at once made to procure certified copies of the same. The Postmaster-General, however, declined to make or furnish to the Committee such certified copies, but informed the Committee that an inspection of such documents by a Committee of the Assembly, would be permitted and that such Committee would be permitted to take copies of the same. Accordingly, pursuant to a resolu-

tion of the Committee, a subcommittee, consisting of the Chairman, Mr. Mead and Mr. Shanahan, was appointed for the purpose of visiting Washington and procuring such evidence.

Said subcommittee, attended by the counsel for the Committee and by counsel for said Warren B. Hooker, visited the city of Washington on the 24th to the 29th days of February, 1905, and verified and obtained copies of a large number of letters and other documents, which have been used as exhibits in the investigation.

On the 5th day of February, 1905, the said Warren B. Hooker was seriously injured in a railroad accident, while on his way to New York to consult with his counsel; and the hearing before the Committee was postponed from time to time until March 16, 1905, so that the said Warren B. Hooker might be able to attend in person the hearings before the Committee.

On the 20th day of March, 1905, Hon. Frederick E. Perham, a member of this Committee, died. Hon. Peter J. Everett, a member of this Committee, has been unable, by reason of sickness, to attend any of the hearings in this matter.

The taking of testimony was commenced on the 21st day of March, 1905, and continued, with brief intermission, until and including April 12, 1905. During all of said hearing we have been attended by the counsel for the Committee, by counsel for each of the Bar Associations above mentioned, and by said Warren B. Hooker, in person and by his counsel. The arguments of counsel were commenced on the 13th day of April, 1905, and concluded on the 21st day of April, 1905.

All the proceedings and evidence had and taken before the Committee, together with the arguments of counsel, are herewith returned and form a part of this report.

We have investigated the truth of the accusations referred to in said resolution and have taken testimony relating to other matters affecting the fitness of said Warren B. Hooker to occupy the position of justice of the Supreme Court; have heard all the evidence produced and offered by our counsel, by counsel for the said Bar Associations, and by counsel for said Warren B. Hooker; and, after mature deliberation thereon, we find and report the following facts and conclusions, with our recommendation thereon:



## FACTS.

We find the following facts established by the evidence:

FIRST. That Warren B. Hooker was the representative in the Congress of the United States from the 37th Congressional District of the State of New York for about eight years immediately prior to the 11th day of November, 1898. That on the 10th day of November, 1898, said Hooker resigned his office as such representative in Congress, and on that day was appointed by the Governor of the State of New York a Justice of the Supreme Court in and for the Eighth Judicial District, to fill the vacancy occasioned by the death of the Hon. Hamilton Ward, who had theretofore been such Justice in and for said district. That said Hooker continued to hold the office of Justice of the Supreme Court under such appointment to and including the 31st day of December, 1899. That at the general election held in November, 1899, said Warren B. Hooker was duly elected a Justice of the Supreme Court in and for said eighth Judicial District, for the term of fourteen years from the first day of January, 1900, and has since continued to be and now is such Justice of the Supreme Court.

That no successor to said Warren B. Hooker as representative in Congress was elected until the general election held in the month of November, 1899, when Edward B. Vreeland was elected to fill the vacancy caused by said Hooker's resignation and assumed the duties of the office on the first Monday of December, 1899.

That during all the times hereinbefore and hereinafter mentioned said Hooker was and now is a resident of Fredonia, in the county of Chautauqua, N. Y., and up to the time of his appointment as such Justice of the Supreme Court, occupied a law office in the second story of the post office building in the village of Fredonia, N. Y., which building was owned by the village of Fredonia, and that after his appointment as such Justice of the Supreme Court he continued to use and occupy said office as his Supreme Court Chambers.

SECOND. That in or about the month of September, 1896, one Frank P. Ball, who then was, ever since has been and now is a resident of the village of Fredonia, entered into a co-part-

nership with Etta E. Hooker, the wife of said Warren B. Hooker, and others in the purchase and ownership of certain oil producing property in the State of West Virginia. That the amount invested in said business by Ball was the sum of \$1,666.66 which he obtained upon his promissory note for that amount, dated September 10, 1896, and which was endorsed by said Etta E. Hooker and said Warren B. Hooker, and deposited in the Fredonia National Bank, and the proceeds thereof used to pay the amount which said Ball had agreed to pay for his interest in said oil property and business. That said note was renewed from time to time, in substantially the same amount, and said renewals were endorsed by said Etta E. Hooker but not by said Warren B. Hooker, until, at the maturity of the same on September 10, 1899, there was due and unpaid thereon the sum of \$1,710. That in the meantime the said oil business had proved unprofitable and a considerable indebtedness had been incurred by said co-partnership, the said Ball's proportion thereof being about the sum of \$1,430. That the said Etta E. Hooker was liable as a co-partner for said indebtedness, in addition to her liability as endorser upon the said note.

That on or about the 10th day of September, 1898, the said Ball determined to withdraw from said business and from said co-partnership, and for the purpose of taking care of said note and of his proportion of said co-partnership indebtedness, made his promissory note for \$3,040 and interest, bearing date September 10, 1898, payable to the order of said Etta E. Hooker. That said note was endorsed by said Etta E. Hooker and was discounted at the Fredonia National Bank on the 7th day of October, 1898.

That shortly before October 11, 1898, said Warren B. Hooker requested George W. Beavers, who was then Chief of the Salaries and Allowance Division of the Post Office Department of the United States Government, to appoint said Frank P. Ball as a laborer in the post office in Fredonia; and that thereafter and on the 12th day of October, 1898, the said Beavers did appoint, or cause the said Ball to be appointed, as such laborer at a salary of \$600 per annum.

That prior to the last mentioned date no person had occupied such position or been appointed to such position of laborer.

That when said Ball was made clerk, as hereinafter set forth, no person was appointed laborer to succeed him, until the appointment of Maurice Hooker to such position about three years later.

That the duties of laborer in said post office were slight and consisted of scrubbing the floor of the inside office and washing the windows; and that such duties had theretofore been performed by a scrub woman at an expense not exceeding \$12 per year. That the appointment of Ball or any other person as such laborer was not requested by the postmaster at Fredonia and was unnecessary.

That said Ball was engaged in business as a railroad ticket broker in the city of Dunkirk, distant about three miles from Fredonia, and was engaged continually in said business from 1892 until long after his connection with the Fredonia post office ceased, excepting the period from September 1, 1897, to December 7, 1898.

That on the 9th day of January, 1899, said Warren B. Hooker was in the city of Washington, and after a conversation had between said Beavers and said Warren B. Hooker, and after a correspondence between them, all of which took place in the month of January, 1899, said Ball's position in the Fredonia post office was changed to clerk, on the 15th day of January, 1899. No such clerkship had theretofore existed and upon the resignation of said Ball no one was appointed in his place, and such change was not requested by the postmaster at Fredonia.

That the other clerks in said Fredonia postoffice were adequate to perform the work of said office, that there were no duties for said Ball to perform as such clerk, and that said Ball never reported for duty and never performed any services in said post-office.

That said Ball was paid the salary attached to such positions until December 31, 1902, when he resigned, amounting to the sum of \$2,532.07, and that all of said sum except less than \$5 was used in paying principal and interest upon said note for \$3,040 hereinbefore mentioned and described; the practice being to renew the said note at intervals of three months, after applying thereon the checks received by Ball from the postmaster during the preceding quarter.

That on the 30th day of December, 1899, at a meeting of the Board of Directors of the Fredonia National Bank, duly held at its office, the following resolution was duly and unanimously adopted:

*"Resolved*, That the officers of this bank be and they are hereby authorized and instructed to accept the proposition of Etta E. Hooker to give \$24,000 of the capital stock of the Seneca Oil Company in full liquidation of her notes amounting to \$20,000, also the note of F. C. Laing amounting to about \$2,000 and to release her as endorser upon the notes of Charles Ehmke of about \$1,900, F. P. Ball about \$2,600 and William B. Barker about \$1,600, she turning over to the bank the security she holds for the Ehmke note. In addition to the above the note of Warren B. Hooker of about \$31,000 held by this Bank."

That shortly after said December 30, 1899, pursuant to the arrangement referred to in said resolution, the said Etta E. Hooker was duly released from all liability as endorser upon the said promissory note of Frank P. Ball, hereinbefore referred to. That when said note of Frank P. Ball was subsequently renewed from time to time as hereinbefore recited, the name of said Etta E. Hooker did not appear as endorser thereon and she was in no way liable thereon.

That when said Frank P. Ball resigned his position as clerk in the Fredonia postoffice December 31, 1902, there was unpaid on said note the sum of \$1,000 and when the same was last renewed on January 10, 1905, there was unpaid on the same about the sum of \$700; he having paid thereon, after Mrs. Hooker's release and before his resignation, about \$1,600 besides the interest; and he having paid thereon since his resignation about \$300 besides the interest.

That subsequent to the resignation of Frank P. Ball, as aforesaid, the said Melvin H. Taylor was required to and did pay back to the United States Government the sum of \$2,532.07 so paid as salary to said Ball. That thereafter the said Ball paid to said Taylor the sum of \$32.07 and gave said Taylor his promissory note for \$2,500 upon which he has since paid to said Taylor the sum of \$650.

THIRD. That in the month of January, 1902, one Maurice Hooker, a nephew of said Warren B. Hooker, of the age of 16

years, then residing at Perrysburgh, Cattaraugus County, New York, was desirous of attending the Normal School in said village of Fredonia. Prior thereto and sometime before the said Maurice Hooker commenced attending school at Fredonia, he had a talk with the said Warren B. Hooker, in which the latter said that he thought he could get him some position in which he could earn something while attending school. That said Melvin H. Taylor, the postmaster at Fredonia, was not acquainted with Maurice Hooker until in or about the month of January, 1902. That on or about the 11th day of January, 1902, said Warren B. Hooker, Melvin H. Taylor and Maurice Hooker arranged that said Warren B. Hooker and Melvin H. Taylor should procure the appointment of Maurice Hooker as a laborer in the Fredonia postoffice, at a salary of at least \$400 per annum. That the only duties of such laborer were to mop the floor of the inner office and clean the windows, all of which had theretofore been done by a scrub woman at an expense of about \$12 per annum. That the appointment of Maurice Hooker or any other person to the position of laborer in said postoffice was not necessary.

That in pursuance of such arrangement or understanding, said Warren B. Hooker and Melvin H. Taylor on the 11th day of January, 1902, wrote to said George W. Beavers, who was then General Superintendent of the Salaries and Allowance Division of the United States Postoffice Department, requesting such appointment of said Maurice Hooker at said proposed salary. That said Beavers immediately thereafter caused said Maurice Hooker to be appointed laborer in the Fredonia postoffice at a salary of \$400 per annum, said Beavers and Taylor well knowing that such appointment was not needed and that the salary was grossly excessive for all the services such laborer could possibly perform.

That the said Maurice Hooker never reported for duty as such laborer, was never asked to report, never performed any service whatever, but held the position until July 1, 1903, a period of 18 months, during which time his salary amounted to \$600. That the said postmaster, Melvin H. Taylor, retained said sum of \$600 from moneys in his hands belonging to the United States, paid therefrom a small sum during each month to a scrub woman for



cleaning the postoffice, and paid the remainder of such salary, amounting to upwards of \$500 to said Maurice Hooker.

That said Maurice Hooker commenced attending the Fredonia Normal School in the month of January, 1902, and continued to attend said school until about July, 1903. That the said Maurice Hooker was dismissed from the service on or about July 1, 1903. That subsequent to such dismissal, said Melvin H. Taylor was required to and did pay back to the United States Government, said sum of \$600, so paid to the said Maurice Hooker, as salary. That before paying back and refunding said money to the United States Government, said Taylor informed said Warren B. Hooker that a demand had been made upon him for the repayment of all the moneys paid to Frank P. Ball and Maurice Hooker, as salaries, and said Warren B. Hooker replied that he, Taylor, had better do as he thought best about it.

FOURTH. That on or about the 9th day of January, 1899, the said Warren B. Hooker visited the city of Washington, D. C., and while there had a consultation with said George W. Beavers concerning the establishment of free delivery in the postoffice at Fredonia. That thereafter and on the 12th day of January, 1899, the said Beavers caused directions to be sent to the postmaster at Fredonia to appoint Thomas O'Neil, Henry J. Pemberton, George Cooper, Minerva Jeffrey and Ora Caldwell as clerks in his office, at a salary of \$600 per annum each, and in pursuance of such direction said appointments were made on the 17th day of January, 1899.

That at the time such directions were given and said appointments were made there were actually employed in said postoffice in addition to the postmaster, four clerks with salaries as follows:

Mary L. Moore, chief clerk, \$800 per year; Charles H. Landers, \$500 per year; Edwin R. Mixer, \$400 per year; Edwin W. Easton, \$400 per year.

That such clerical force was adequate to properly take care of and perform the duties of the office, that they did so take care of and perform the duties of the office and there was no necessity for the appointment of any additional clerks in said office. That on the 21st day of January, 1899, at the request of said Warren B. Hooker, made January 16, 1899, said Frank P. Ball had also been designated as clerk in said office as hereinbefore set forth;

thus placing upon the roll of the office six additional clerks with no duties, at salaries of \$600 each per year.

That the said Minerva Jeffrey was then a resident of the city of Washington, had never been a resident of Fredonia, was a member of the family with which Beavers boarded or roomed and never at any time reported for duty or performed any service in the Fredonia postoffice. The checks in payment of her salary were regularly sent to her in Washington by the postmaster, until June 1899, at which time she was transferred to the Burlington, Vermont postoffice. The total amount thus paid to the said Minerva Jeffrey was \$251.66. There is no evidence that said Warren B. Hooker ever knew Minerva Jeffrey or that he ever recommended her appointment.

That Henry J. Pemberton and George Cooper were residents of Fredonia at the time of their appointment. That they were not, so far as appears, notified by any one of their appointment, never performed any service, were never paid anything, and their appointments were canceled by order dated May 8, 1899.

That Ora Caldwell was, at the time of his appointment, a resident of Fredonia, but did not report for duty or perform any service until July 3, 1899, since which date he has been regularly employed as a clerk in the office, taking the place of Edwin R. Mixer, who had been transferred to another office July 1, 1899. That the said Ora Caldwell was paid for the time between January 15, 1899, and June 30, 1899, the sum of \$276.66 but rendered no service whatever during that period and was not asked to render any service.

That Thomas O'Neil was at the time of his appointment a resident of the village of Fredonia, was then and had been for a considerable period of time in the employ of said Warren B. Hooker, caring for his horses and grounds and acting as his coachman. That said Thomas O'Neil continued in the employment of said Warren B. Hooker for sometime after said appointment was made and rendered no service as such clerk. That he was appointed carrier at said office about April 1, 1899, and since April 17, 1899, has performed regular service as carrier. That the said Thomas O'Neil performed some slight duties in reference to placing mail boxes and laying out routes during two weeks preceding April 17, 1899. That he was paid salary as clerk for the time

between the 15th of January, 1899, and April 1, 1899, the sum of \$126.66 for which he rendered no service whatever as clerk, being for at least a portion of said time in the employ of said Warren B. Hooker.

That the said appointments of O'Neil, Caldwell, Pemberton and Cooper were made at the instance and request of said Warren B. Hooker and pursuant to an arrangement between him and said George W. Beavers, and were not requested to be made by the postmaster at Fredonia. Prior to the appointment of said O'Neil and Pemberton, as aforesaid, each of them had requested said Warren B. Hooker to secure him a position.

That the population of the village of Fredonia is about 4,000 and that of the city of Dunkirk about 12,000.

FIFTH. That on the 9th day of November, 1899, upon the recommendation of said Warren B. Hooker, Melvin H. Taylor was appointed postmaster at Fredonia, and shortly thereafter it was understood and arranged between said Warren B. Hooker and said Melvin H. Taylor that one Katherine K. Clark, a niece of Taylor's wife, should be appointed a clerk in said postoffice. That at the time of the making of such agreement the clerical force at said office was adequate to take care of and transact all the business therein, and there was no necessity for the appointment of said Katherine K. Clark as a clerk in said office.

That the said postoffice at Fredonia was in the classified service and the only method by which the said Katherine K. Clark could be appointed to a clerkship therein, without submitting to a civil service examination, was to have her appointed a clerk in some office not in the classified service, which was about to be placed in such classified service, and after such last mentioned office had been placed in the classified service, then to have said Katherine K. Clark transferred to the Fredonia postoffice.

That said Warren B. Hooker ascertained in some manner that the postoffice at Fort Plain, N. Y., was to be placed in the classified service early in the year 1900, and thereupon entered into communication with the said George W. Beavers with the purpose of inducing the said Beavers to have said Clark appointed to a clerkship in said Fort Plain postoffice. That said Beavers, in pursuance of the request of said Warren B. Hooker, did, on or about the 13th day of December, 1899, cause the said Katherine

K. Clark to be appointed to a clerkship in the said postoffice at Fort Plain. That there was no intention upon the part of said Warren B. Hooker, Taylor, Beavers or Clark that the said Clark should actually perform any service in said post office at Fort Plain. That the said Clark, both before and after her appointment to such clerkship at Fort Plain, resided and continued to reside at Fredonia, and did not go to Fort Plain and did not perform any service in the postoffice at that place. That the salary attached to her said clerkship at Fort Plain was the sum of \$400 per year.

That thereafter and on the 12th day of April, 1900, the said Warren B. Hooker wrote and transmitted to the said Beavers a letter, of which the following is a copy:

“SUPREME COURT OF NEW YORK.

Personal.

FREDONIA, N. Y., *April 12, 1900.*

Mr. GEORGE W. BEAVERS,

*P. O. Department.*

My Dear Beavers:

I notice by the press that you have returned and I sincerely hope you had a pleasant and restful vacation.

Now that you are on the ground again I beg to call your attention to two or three matters. In your letter which you sent me of February 3d you indicated that there was no probability of any change in the rural deliveries at Hamlet, Chautauqua county, and Perrysburgh, Cattaraugus county, New York. I am very anxious they should remain as they have been established.

I also beg to call your attention to the matter of the appointment of Miss Katherine K. Clark to a clerkship at Ft. Plains, N. Y., in Congressman Sherman's district. What I wish to have done is, for the Postmaster at that place to send her check, or send it to you, and you can send it to her, and then you transfer her to Fredonia. We will appreciate this very much if you can take it up and have it done very soon.

Thanking you in advance, I am,

Very sincerely yours,

W. B. HOOKER.

P. S. I would like to have you procure for the Postmaster at Fredonia, 4 paper and package boxes, and 6 small letter boxes.”

Said letter is upon the files of the United States Postoffice Department at Washington, D. C., and there is endorsed thereon,



in the handwriting of said George W. Beavers, the following notation, viz.: "Has she performed service?"

That at the time of writing and sending said letter, said Warren B. Hooker knew that said Katherine K. Clark had rendered no service at Fort Plain and was not entitled to any sum whatever for salary as clerk in said office.

That on or about May 1, 1900, at the request of said Warren B. Hooker, the said Katherine K. Clark was transferred by said Beavers from the postoffice at Fort Plain to the postoffice at Fredonia, where she rendered service until about August, 1903, at which time she was reduced to the position of substitute clerk in said office. That before, during and after the time of the employment of said Katherine K. Clark in said postoffice, her services as clerk were unnecessary therein, for the reason that the clerical force in said office was adequate to discharge all the duties in said office without her assistance, and that the payment to said Katherine K. Clark of her salary during the time of her employment as clerk in said office was an unnecessary and wasteful use of the moneys of the United States. That the Fredonia postoffice was classified April 1, 1899, and the Fort Plain postoffice was classified February 1, 1900.

The salary attached to the position held by said Katherine K. Clark in the Fort Plain office was \$400 per annum. Upon her transfer to the Fredonia office her salary was at once increased to \$600 and a direction made by said Beavers that the same be increased to \$700 on and after July 1, 1900.

On the communication from the Civil Service Commission to the Postmaster-General, authorizing her transfer, dated April 23, 1900, appears the following notation, in the handwriting of Beavers: "Sawyer, \$600 from date; \$700 from July 1, 1900, G. W. B. My sig. to Hooker."

On the 28th day of April, 1900, said Hooker wrote to Beavers, acknowledging the receipt of two letters from him under date of April 23d and 26th, respectively, in which he said: "The arrangement concerning Miss Clark is all right and she will be delighted at what is being done for her."

On the 2d day of May, 1900, said Beavers wrote to said Hooker, informing him of the transfer of said Clark to Fredonia, and advising him that her salary had been fixed at \$600, to take effect



at once, and that the postmaster had been authorized to increase her salary to \$700, to take effect July 1, 1900.

On the 5th day of May, 1900, said Hooker wrote to said Beavers concerning the proposed increase in salary of said Clark, suggesting that it would be entirely satisfactory at \$600, and that it need not be raised to \$700, but that, instead, he would like to have the salaries of Easton and Landers, two other clerks in the Fredonia postoffice, increased \$100 each. The salaries of Easton and Landers were at once increased accordingly.

On the 14th day of March, 1901, the salary of said Katherine K. Clark was increased from \$600 to \$700; on the 3d day of August, 1901, the same was increased to \$800; on the 28th day of January, 1902, the same was increased to \$900; and on the 1st day of March, 1902, the same was increased to \$1,000; all of said increases having been made by direction of said Beavers and upon the application of said Melvin H. Taylor.

SIXTH. That Hon. E. B. Vreeland was the representative in Congress from the 37th Congressional District of the State of New York, at the times of the appointment of Maurice Hooker, Ora Caldwell, Thomas O'Neil, Minerva Jeffrey, Henry J. Pemberton, George Cooper and Katherine K. Clark to positions in the Fredonia postoffice, as hereinbefore recited. That the said Vreeland was not consulted concerning any of said appointments and had no knowledge that said appointments were to be made or had been made until long after they had actually been made.

SEVENTH. That in the month of October, 1901, the said Warren B. Hooker and Lester F. Stearns, his copartner, were owners of a building situate in the city of Dunkirk, N. Y. That on or about the 5th day of October, 1901, by written lease, they leased a portion of said building to the United States of America for use as a postoffice, for the period of ten years, commencing on the 15th day of October, 1901, at an annual rental of \$1,350.

That thereafter and in the month of January, 1902, the said lessors and the Postoffice Department, through Beavers, canceled said lease and executed a new lease of the same premises for a term of ten years at an annual rental of \$1,500. Said new lease was dated January 27, 1902, and by its terms, was to take effect January 1, 1902.

That thereafter the said lessors and the said Beavers induced the Postoffice Department of the United States to cancel said lease of the 27th day of January, 1902, and execute a new lease for a term of ten years, dated the 20th day of May 1902, at an annual rental of \$2,000. That there was no consideration whatever for the surrender of the second lease and the execution of the third lease. That the United States in and by the third lease, received no additional accommodation or benefit to which it was not entitled under either the first or second of the said leases.

That at the time of the execution of the said third lease, the fair rental value of the premises so leased by the said Hooker and Stearns to the United States was the sum of \$2,000.

EIGHTH. That in the years 1901 and 1902, the said Warren B. Hooker and one Lester F. Stearns were the owners of a certain building and premises situate in the city of Dunkirk, N. Y., immediately adjoining to the City Hall park. Said building was erected during the summer and fall of 1901, and was completed in said fall of 1901, and is the same building hereinbefore referred to, a portion of which was leased to the United States by said Hooker and Stearns for a postoffice. The architecture of said building, next to said City Hall park was of an ornamental character and design and the same was constructed in such a manner that the light for the same substantially all came from windows, of which there was a large number, on the south side thereof and next to said park.

That on the 3rd day of December, 1901, the Common Council of the city of Dunkirk adopted a resolution which provided as follows:

*“Resolved*, That the Mayor and City Clerk be and they are hereby authorized and directed, for and in consideration of the sum of one (\$1) dollar to be paid to the said city of Dunkirk by Lester F. Stearns and Warren B. Hooker, and for and in consideration of the increase in value to the City Hall park and property and the increase in value of other property in the city in the neighborhood thereof, and of the benefits to all of said property and to the inhabitants and people of the city of Dunkirk which have been received and acquired in consequence of the erection of the new building upon the northerly side of the said City Hall park, known as the Stearns building, by Messrs.

Stearns and Hooker, and for other good and valuable considerations, forthwith to execute and deliver a lease unto the said Lester F. Stearns and Warren B. Hooker, and to their heirs, executors, administrators or assigns of the free and uninterrupted right, use and easement for light and air of, in, on, over and along all that part of the City Hall property lying and being along the north side thereof and being fifteen (15) feet in width, running from Central avenue easterly to the present west line of the City Hall building and ten (10) feet in width running from said west line of said City Hall property east to Lynx street, conditioned, however, that this lease shall absolutely terminate when the city of Dunkirk shall make a bona fide legal sale and conveyance of the whole of said City Hall park, and further conditioned that this lease shall also terminate whenever, after the city shall have used substantially all that part of said City Hall park not covered by this lease, it becomes necessary to use said strip of land fifteen feet wide from Center street to the west line of said hall and ten feet wide from that point to Lynx street along the northerly side of said Park upon which to construct and erect additions to the City Hall to meet the actual requirements for city purposes and not fire hall purposes.

“Said lease or agreement, however, to provide and be conditioned that the said lessors nor their heirs, executors, administrators or assigns, shall under and by virtue thereof, receive, have or acquire no greater or other right than said right to the non-interference with said light and air and shall not receive or acquire by virtue of said contract any right whatever to the physical use or possession of the above described property or to go upon the same for any purpose, provided, however, that the same shall not in any manner lessen or affect the rights of said Stearns and Hooker in and along said north line of said property to eaves and area boxes, heretofore acquired.”

That thereafter and on the 13th day of December, 1901, the Mayor of said city of Dunkirk vetoed said resolution and returned the same to said Common Council without his approval.

That thereafter and on the 17th day of December, 1901, the said Common Council of the City of Dunkirk, by a vote of at least two-thirds of all the members elected thereto, voted to sus-

tain said resolution, notwithstanding said veto, and passed and adopted the same over the veto of the Mayor.

That thereafter and on or about the 19th day of December, 1901, one Charles J. Wirtner, a resident, citizen and taxpayer of said City of Dunkirk, commenced an action in the Supreme Court of the State of New York, against Daniel Scannell, as Mayor of the City of Dunkirk; Jacob Groesch, as clerk of the City of Dunkirk; Paul Weiss and seven others, members of the Common Council of the City of Dunkirk; and Lester F. Stearns and said Warren B. Hooker, to restrain the execution and delivery of the lease referred to in said resolution of the Common Council, upon the ground that the same was illegal and unauthorized by law, was without consideration, and contemplated a waste of the property of said city.

That one Thomas H. Larkins was the attorney for the plaintiff in said action, and the venue of said action was laid in the county of Chautauqua.

That the summons and complaint in said action were personally served upon all the said defendants, on or before December 23, 1901. That none of the defendants in said action appeared or served an answer to the complaint, except the said defendants, attorney, Elton D. Warner, Esq., and served an answer which Warren B. Hooker and Lester F. Stearns, who appeared by their was verified by the defendant, Lester F. Stearns, on the 30th day of December, 1901.

That said answer did not demand any affirmative relief against the City of Dunkirk and was never served upon the City of Dunkirk or its attorney.

That in the second count or subdivision of said answer there were recited and set out, as a separate answer and defense, many of the facts which were subsequently proved upon the trial of the action, as hereinafter recited, and which were subsequently recited and found in the decision made and filed, as hereinafter recited.

That the said Warren B. Hooker conferred and advised with the said Lester F. Stearns concerning the said answer and assisted in the preparation of the same.

That Truman C. White, of Buffalo, N. Y., is one of the Justices of the Supreme Court in and for the Eighth Judicial District



and was such Justice in January, 1902. That within two or three days prior to January 21, 1902, the said Warren B. Hooker called upon the said White, at the Chambers of the latter in the City of Buffalo, and told him that there was a case coming down from Dunkirk or from Chautauqua County, in which said Hooker was personally interested, and asked said White to hear the case when it came. Said Hooker also told said White, in substance, that he did not think there would be any substantial contest in court, that the parties were coming down to try it and that it would not take long.

On the 21st day of January, 1902, the said Thomas H. Larkins, attorney for the plaintiff, the defendant, Lester F. Stearns, and his law partner and counsel, Mr. Bert C. Farnham, appeared before Justice White at his Chambers, and the trial of the case proceeded. Said Farnham was, at the time of said hearing, the city attorney of the City of Dunkirk, but did not appear for said city and did appear as counsel for the defendants, Hooker and Stearns. That before the trial commenced, said Stearns stated to Justice White that the parties had substantially agreed upon what should be done in the case.

Upon such hearing and trial, the plaintiff offered no evidence, and the only witness sworn was the defendant, Stearns. After administering the oath to the witness, Justice White directed the parties to go before his stenographer and give their proofs, and paid little, if any, attention to the evidence. The evidence was taken by the stenographer and was not read over nor its substance stated to Justice White.

Thereafter, and probably on the same day, a decision in writing, containing findings of fact and conclusions of law, was presented to Justice White by said Stearns and Larkins, and said White signed the same and delivered it to said Stearns without having read it and without being informed of its contents.

Said decision, with the judgment roll in said action, was filed in the Chautauqua County Clerk's office on the 24th day of January, 1902, and judgment entered thereon.

The decision signed by Justice White and filed with the judgment roll as aforesaid, contained among other things, the following conclusion of law:



“SECOND. That the present city hall property, located at the corner of Central avenue and Fourth street, in the city of Dunkirk, N. Y., shall not be further encroached upon by extensions or additions, or by the building of further structures thereon, but shall be kept intact in its present condition until such time as it shall become necessary for the city of Dunkirk to use the same for the legitimate and necessary purposes of the city for city hall property, and that when such time shall arrive in so further utilizing the unoccupied land now constituting the park around and about the present city hall, the same shall be so built upon and used in such a manner as not to unnecessarily work a manifest or substantial injury to the adjacent building upon the north side thereof, now owned by the defendants, Lester F. Stearns and Warren B. Hooker, known as the Stearns building, in the way of deprivation of light and air or otherwise, but that in so utilizing any portion of such park or premises about the city hall in the manner aforesaid, so far as practicable and possible, such parts or portion of the same shall be so utilized from time to time as will least interfere with the enjoyment of said premises of the defendants, Stearns and Hooker, on the north side thereof, or to work an injury thereto, or in the diminution in the value thereof, and that in no event will the southwest corner thereof, being that portion now bounded upon the east by the city hall and upon the north by the stone walk running at right angles to Central avenue, from the Central avenue entrance to the street, be utilized until finally necessary, nor shall any structure or extension be placed along the north side of said city hall park property at any time within fifteen feet of the north line thereof, until the absolute necessities of the city shall demand and require such use for city hall purposes; except that that portion of city hall park on the northerly side thereof, and running west from Lynx street fifty feet and north of the city hall twenty-five feet shall be the first property used for additions to the present city hall building, and within the said dimensions of twenty-five feet in width bounding on Lynx street, by fifty feet in length.”

Said conclusion of law was not warranted by any facts recited in the answer or proved upon the trial. The same was or purported to be based upon a finding of fact drawn from the evidence

of the witness, Stearns, to the effect, in substance, that, prior to the erection of said building, the defendants, Stearns and Hooker, had had conversations with the individual members of said Common Council of the city of Dunkirk, when not in session, in which it was represented to said Stearns and Hooker by said members of the Common Council, that if said Stearns and Hooker constructed a handsome office building in which to remove the postoffice, next to the city's property, the city would not erect any building upon this property, or construction of any sort, to interfere with the light and air of said building, for many years to come; and also upon the evidence of said witness, Stearns, to the effect that the erection of said building greatly benefited, improved and increased the value of the city hall property and of other property in the neighborhood.

The judgment entered in said action purported to restrain the city of Dunkirk from erecting any building or structure upon as recited in said second conclusion of law.

said city hall park, in the same manner and to the same extent

On the 25th day of November, 1904, an order was granted at a special term of the Supreme Court, held at the city of Buffalo, Justice White presiding, by which said judgment was vacated, set aside and annulled, and the findings of fact and conclusions of law, made by Justice White as aforesaid, were canceled; and said order was duly entered in the Chautauqua County Clerk's office on the 26th day of November, 1904. This order was granted upon a stipulation bearing date November 2, 1904, signed by Warren B. Hooker, Lester F. Stearns, Thomas H. Larkins and Charles J. Wirtner. Said stipulation was prepared by said White and signed by said parties at his instance and request, after an inquiry instituted by him in or about the month of April, 1904.

## CONCLUSIONS.

### I.

That, in our opinion, said Warren B. Hooker and George W. Beavers both knew that the appointments of said Frank P. Ball, as laborer and clerk in the Fredonia postoffice, were unnecessary; and that by reason of the acts of said Hooker and Beavers, hereinbefore detailed in the second finding of fact, and the acts of

Ball in connection therewith, the United States was defrauded of said sum of \$2,532.07; and that the reason and motive which influenced Justice Hooker in procuring the appointment of Ball first as laborer and then as clerk in said postoffice was that Ball might thereby obtain money with which to pay the said note of \$3,040 upon which Mrs. Hooker was endorser; that the said acts of said Warren B. Hooker were immoral and show a personal unfitness in him to occupy the position of justice of the Supreme Court.

## II.

That, in our opinion, said Warren B. Hooker knew that the appointment of Maurice Hooker to the position of laborer in the Fredonia postoffice was unnecessary. That, by reason of the acts of said Warren B. Hooker and Melvin H. Taylor, hereinbefore set forth in the third finding of fact, and the acts of said Beavers and Maurice Hooker, connected therewith, the United States was defrauded of upwards of the sum of \$500; and that said acts of said Warren B. Hooker were immoral and show a personal unfitness in him to occupy the position of justice of the Supreme Court.

## III.

That, in our opinion, said Warren B. Hooker and George W. Beavers knew that the appointments of Thomas O'Neil, Henry J. Pemberton, George Cooper and Ora Caldwell were unnecessary, and that, by reason of the acts of said Hooker and Beavers in connection with the appointment of said Ora Caldwell and Thomas O'Neil the United States was defrauded of the sum of \$276.66, paid to said Caldwell, and the sum of \$126.66, paid to said O'Neil.

That the acts of said Warren B. Hooker in connection with the appointments of Caldwell and O'Neil were culpable and show a personal unfitness in him to occupy the position of justice of the Supreme Court.

## IV.

That, in our opinion, the transaction between Katherine K. Clark, Melvin H. Taylor, Warren B. Hooker and George W. Beav-

ers; regarding the appointment of said Clark to a position in the Fort Plain postoffice and her transfer thence to a clerkship in the postoffice at Fredonia, was an evasion of the United States Civil Service Law; that the transaction was immoral and corrupt, and shows an unfitness on the part of said Warren B. Hooker and shows an unfitness on his part to be and remain a justice of the Supreme Court.

## V.

That, in our opinion, the acts of the said Warren B. Hooker in connection with the procurement of the judgment against the city of Dunkirk, referred to and set forth in the eighth finding of fact, were corrupt and immoral, and show a personal unfitness on the part of said Warren B. Hooker to occupy the position of justice of the Supreme Court.

## VI.

That we are of the opinion that the acts of said Warren B. Hooker hereinbefore set forth in the several findings of fact, do not constitute cause for impeachment, under the provisions of section 13 of article VI of the Constitution of this State, and section 12 of the Code of Criminal Procedure, for the reason that such acts were not committed in the course of the discharge of his official duty and do not constitute wilfull and corrupt misconduct in office.

## VII.

That we are of the opinion that the acts of said Warren B. Hooker, hereinbefore set forth in the several findings of fact, constitute and are cause for his removal under the provisions of section 11 of article VI of the Constitution of this State.

## RECOMMENDATION.

We recommend that proceedings be taken by the Legislature for the removal of said Warren B. Hooker from the office of justice of the Supreme Court, in pursuance of and in accordance

with the provisions of section 11 of article VI of the Constitution of this State.

Dated Albany, May 1, 1905.

ROBERT J. FISH.  
CHAS. W. MEAD.  
WM. W. WEMPLE.  
SHERMAN MORELAND.  
A. B. STEELE.  
W. D. CUNNINGHAM.  
EDWARD SCHOENECK.  
F. G. WHITNEY.  
FRANK W. STANDART.  
SEWARD SHANAHAN.  
EMANUEL S. CAHN.

#### MEMORANDUM.

We have signed the foregoing report with great hesitation, believing there is grave doubt as to the interpretation of section 11 of article VI of the Constitution and its application to the facts in this case.

Dated May 1, 1905.

CHAS. W. MEAD.  
WM. W. WEMPLE.

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(No. 15.)

Report of the joint committee of the Senate and Assembly of the State of New York:

*To the Senate and Assembly:*

The Joint Committee of the Senate and Assembly, appointed pursuant to joint resolution adopted March 16, 1905, submits the following report:

The resolution directed the Committee "To proceed to investigate and examine into the organization and operation of the gas and electric lighting companies; the reasonableness of the charges maintained by the gas and electric lighting companies operating in the city of New York for services rendered the city and its inhabitants with reference to the cost of service and



the capital actually employed therein; the conditions under which the business of the companies is conducted with reference to competition; the quality of the service; the circumstances connected with the negotiation and execution of the city light contracts of 1904; and any other phase of the gas and electric lighting business as conducted in the city of New York, deemed by the Committee to be germane to the purpose of such investigation," and to report "the result of their investigation with such remedial measures as it may deem proper."

From the evidence taken by the Committee the following facts are deemed to be established:

#### BOROUGHES OF MANHATTAN AND BRONX.

The companies engaged in the manufacture and sale of gas and in the production and sale of electric current for light, heat and power purposes in these boroughs are the following:

##### Gas companies:

Consolidated Gas Company of New York,  
The New York Mutual Gas Light Company,  
The Standard Gas Light Company,  
New Amsterdam Gas Company,  
Central Union Gas Company,  
Northern Union Gas Company.

##### Electric companies:

The New York Edison Company,  
The United Electric Light and Power Company,  
The Brush Electric Illuminating Company.

##### Gas and electric companies:

Westchester Lighting Company,  
Bronx Gas and Electric Company.

The following companies are engaged in the business of providing and maintaining conduits for electrical conductors in these boroughs:

Consolidated Telegraph and Electrical Subway Company,  
Empire City Subway Company.

The Consolidated Gas Company of New York controls all the other gas and electric companies above mentioned, with the un-

important exception of the Bronx Gas and Electric Company. One of the companies so controlled, the New York Edison Company, owns the Consolidated Telegraph and Electrical Subway Company; it also has an interest in the Empire City Subway Company, whose conduits, however, are mainly used for telegraph and telephone conductors.

## CONSOLIDATED GAS COMPANY OF NEW YORK.

### HISTORY.

The Consolidated Gas Company of New York has an authorized capital of \$100,000,000, of which \$80,000,000 have been issued. It was organized in November, 1884, under chapter 367 of the Laws of 1884, as a consolidation of the following six gas companies:

New York Gas Light Company, incorporated 1823.

Manhattan Gas Light Company, incorporated 1830.

Metropolitan Gas Light Company, incorporated 1848.

Harlem Gas Light Company, incorporated 1855.

Municipal Gas Light Company, incorporated 1874.

Knickerbocker Gas Light Company, incorporated 1876.

It was intended to embrace in the consolidation the New York Mutual Gas Light Company, the only other company then manufacturing and selling gas in the then city of New York, but this purpose was abandoned apparently on account of the provision of the charter of the Mutual Company to which reference is hereafter made.

The authorized capital of the Consolidated Gas Company was, at the outset, \$39,078,000, of which \$35,430,060 was issued for acquisition of the properties and franchises of the constituent companies, subject to certain indebtedness. The remaining \$3,647,940 was held in the treasury to provide for the payment of this indebtedness and for other purposes, and was subsequently issued.

In April, 1900, the capital stock was increased to \$54,595,200 and the increased capital, \$15,517,200, was used to retire debentures which had been issued for the purchase of the entire stock of the New York Gas and Electric Light, Heat and Power Company amounting to \$36,000,000 in par value. The shares of the

New York Gas and Electric Light, Heat and Power Company, as will subsequently appear, were intrinsically worthless, and the evident purpose of their acquisition was to control the electric light industry represented by the merger of interests through which that company had been formed.

In 1901 the New York Edison Company was formed by the consolidation of the New York Gas and Electric Light, Heat and Power Company with the Edison Electric Illuminating Company and its capital stock to the amount of \$45,041,000 out of a total issue of \$45,051,000 was taken by the Consolidated Gas Company in exchange for its shares of the New York Gas and Electric Light, Heat and Power Company and stands upon its books at a valuation of \$18,202,969.63.

In July, 1900, the capital stock of the Consolidated Gas Company was further increased to \$80,000,000. Of the new shares, \$3,773,600 in par value were issued to retire debentures made in the purchase of shares of the New Amsterdam Gas Company. Of the remaining (\$21,631,200 in par value), \$900,000 were sold at 193 $\frac{3}{8}$  and the residue, \$20,731,000 in par value were sold to stockholders at 150, the proceeds aggregating \$32,837,175. These moneys were used in the purchase of securities of other companies and in the repayment of loans.

In July, 1904, authority was obtained for the increase of the capital stock to \$100,000,000. The additional shares have not been issued, but 6 per cent debentures have been issued and taken by the stockholders to the amount of \$19,857,600, which are convertible into stock of the company at par at the option of the holder.

A portion of the moneys thus obtained was invested by the Consolidated Gas Company in certain securities, which it now owns as follows:

17,632 shares of stock out of a total of 34,366 issued shares of the New York Mutual Gas Light Company.

39,344 of preferred shares out of a total of 42,957 preferred shares and 46,309 common shares out of a total of 49,857 common shares of the Standard Gas Light Company.

89,775 preferred shares out of a total of 90,000 preferred shares and 121,095 common shares out of a total of 121,650 common shares of the New Amsterdam Gas Company.

Bonds of the Brush Electric Illuminating Company to the amount of \$277,500, substantially all of the stock of that company being held by the United Electric Light and Power Company.

All the shares (500) of the National Coke and Coal Company, a corporation organized for the purpose of attending to its cartage and sales of coke.

16,398 preferred shares out of a total of 16,495 preferred shares and 36,086 common shares out of a total of 36,971 common shares of the United Electric Light and Power Company. It also holds the obligations of the United Electric Light and Power Company to the amount of \$5,781,998.32 in par value.

All the capital stock (5,000 shares) of the Astoria Light, Heat and Power Company and its entire issue of bonds (\$375,000) and also its notes for advances made in connection with the construction of a generating gas plant at Astoria, L. I.

The entire capital stock of the Westchester Lighting Company (25,000 preferred, 100,000 common) which it acquired about July, 1904, by the assumption of the bonded indebtedness, principal and interest, of the New York and Westchester Lighting Company amounting to \$12,500,000. It also holds certain obligations of this company.

The following is a statement of the amounts invested in these securities to December 31, 1904, according to the books of the Consolidated Gas Company:

|   |              |    |
|---|--------------|----|
| New Amsterdam Gas Company, shares.....                                | \$4,772,584  | 66 |
| New York Mutual Gas Light Company, shares....                         | 5,328,227    | 80 |
| Standard Gas Light Company, shares.....                               | 14,123,519   | 10 |
| New York Edison Company, shares.....                                  | 18,202,969   | 63 |
| United Electric Light and Power Company,<br>stock and bonds.....      | 9,418,951    | 98 |
| Brush Electric Illuminating Company, bonds....                        | 277,500      | 00 |
| Astoria Light, Heat and Power Company, stock,<br>bonds and notes..... | 3,760,000    | 00 |
| National Coke and Coal Company, shares.....                           | 50,000       | 00 |
| Westchester Lighting Company, shares.....                             | 4,895        | 00 |
| Total (to December 31, 1904).....                                     | \$55,938,648 | 17 |



The moneys realized from the convertible debentures issued in July, 1904, have not all been expended for corporate purposes but to a large extent have been invested in government and city bonds as follows:

|                                       |                        |
|---------------------------------------|------------------------|
| United States government bonds.....   | \$8,008,000 00         |
| City of New York corporate stock..... | 3,087,500 00           |
| Total . . . . .                       | <u>\$11,095,500 00</u> |

Large amounts have been loaned to the companies controlled by the Consolidated Gas Company, the loan to the New York Edison Company amounting to \$3,000,000, of which \$2,900,000 has been advanced since July, 1904.

The following is a comparative condensed balance sheet showing the assets and liabilities of the company as of December 31, 1904, and November 11, 1884, respectively, and the increases and decreases according to the books:

| ASSETS.                                       |                         |                        |                        |
|---|-------------------------|------------------------|------------------------|
|   | Dec. 31, 1904.          | Nov. 11, 1884.         | Increase.              |
| Real estate, property, plant and construction | \$47,402,617 53         | \$37,971,419 01        | \$9,431,198 52         |
| Cash in banks in hand...                      | 1,391,137 41            | .....                  | 1,391,137 41           |
| Accounts and bills receivable.....            | 18,223,995 26           | 824,865 86             | 17,399,129 40          |
| Material and supplies....                     | 653,705 19              | 436,506 96             | 217,198 23             |
| Securities, stocks and bonds.....             | 55,938,648 17           | .....                  | 55,938,648 17          |
| Profit and loss.....                          | .....                   | 62,441 36              | *62,441 36             |
|   | <u>\$123,610,103 56</u> | <u>\$39,295,233 19</u> | <u>\$84,314,870 37</u> |

| LIABILITIES.                    |                         |                        |                        |
|---------------------------------|-------------------------|------------------------|------------------------|
|                                 | Dec. 31, 1904.          | Nov. 11, 1884.         | Increase.              |
| Capital stock.....              | \$80,000,000 00         | \$35,430,060 00        | \$44,569,940 00        |
| Capital stock, scrip.....       | .....                   | 920 00                 | *920 00                |
| Bonded debt.....                | 1,394,000 00            | 1,836,507 53           | *442,507 53            |
| Convertible debentures...       | 19,857,600 00           | .....                  | 19,857,600 00          |
| Bonds and mortgages....         | 15,000 00               | 38,676 67              | *23,676 67             |
| Consumers' deposits.....        | 835,482 86              | 301,162 02             | 534,320 84             |
| Accounts and bills payable..... | 3,997,997 70            | 1,687,906 87           | 2,310,090 73           |
| Insurance fund, etc.....        | 304,153 93              | .....                  | 304,153 93             |
| Capital stock premium...        | 14,322,217 95           | .....                  | 14,322,217 95          |
| Profit and loss.....            | 2,883,651 12            | .....                  | 2,883,651 12           |
|                                 | <u>\$123,610,103 56</u> | <u>\$39,295,233 09</u> | <u>\$84,314,870 37</u> |

\* Decrease.



The details of the investments and securities, aggregating \$55-938,648.17, have already been given.

The details of the increases in accounts and bills receivable amounting to \$17,399,129.40 are as follows:

|  |                 |
|--|-----------------|
| Sundry consumers .....                         | \$485,804 89    |
| Sundry debtors .....                           | 585,414 00      |
| Instalment stove sales.....                    | 2,129 00        |
| Accounts receivable—branches .....             | 7,299 48        |
| East River Gas Company of Long Island City.... | 496,511 11      |
| New York Edison Company.....                   | 3,000,000 00    |
| U. S. government bonds.....                    | 8,008,000 00    |
| City of New York corporate stock.....          | 3,087,500 00    |
| Accrued interest, viz.:                        |                 |
| New York city corporate stock.....             | 17,500 00       |
| New York Edison Company.....                   | 41,124 99       |
| National City Bank.....                        | 62,599 44       |
| Brush Electric Illuminating Company.....       | 27,500 00       |
| United Electric Light and Power Company..      | 842,166 68      |
| General suspense .....                         | 735,579 81      |
|  | <hr/>           |
|  | \$17,399,129 40 |
|  | <hr/>           |

It thus appears that the total amount invested (to December 31, 1904) by the Consolidated Gas Company in securities of other companies controlled by it, including advances made to such companies, is \$60,579,654.54, to wit:

|   |                 |
|---|-----------------|
| Invested in securities as shown by statement above, | \$55,938,648 17 |
| Advanced to East River Gas Co. of Long Island       |                 |
| City (controlled by New Amsterdam Gas Co.)..        | 496,511 11      |
| Advanced to New York Edison Company.....            | 3,000,000 00    |
| Advanced to United Electric Light and Power         |                 |
| Company .....                                       | 842,166 68      |
| Advanced to Westchester Lighting Company (in-       |                 |
| cluded in item general suspense \$735,579.81) ..    | 302,328 58      |
|   | <hr/>           |
| Total .....   | \$60,579,654.54 |
|   | <hr/>           |

## GAS BUSINESS.

Apart from the amounts invested in the securities of other companies the balance of the "Real Estate, Plant, Property and Construction Accounts" as shown by the books of the Consolidated Gas Company on December 31, 1904, was \$47,402,617.53. This was the book value at that date of the real estate and plant used in its gas business, including apparatus, holders, mains, services, meters, gas stoves and franchises and rights.

The corresponding items of property on November 11, 1884, showed a book value of \$37,971,419.01.

The total issues of stock of the six constituent companies and their indebtedness assumed by the Consolidated Gas Company were as follows:

|                               | Stock.                 | Indebtedness<br>assumed. |
|-------------------------------|------------------------|--------------------------|
| Manhattan Gas Light Co.....   | \$4,000,000 00         | \$590,724 08             |
| New York Gas Light Co.....    | 4,000,000 00           | 131,741 76               |
| Metropolitan Gas Light Co.... | 2,500,000 00           | 825,763 46               |
| Municipal Gas Light Co.....   | 3,000,000 00           | 402,410 33               |
| Knickerbocker Gas Light Co... | 1,500,000 00           | 1,175,271 48             |
| Harlem Gas Light Co.....      | 2,000,000 00           | 289,239 65               |
|                               | <u>\$17,000,000 00</u> | <u>\$3,415,150 76</u>    |

The appraisal of the properties of the constituent companies for the purposes of consolidation was as follows:

|                                       | New York.          | Manhattan.          | Metropolitan.      |
|---------------------------------------|--------------------|---------------------|--------------------|
| Street mains, valves, etc.....        | \$950,000          | \$1,083,000         | \$971,000          |
| Meters.....                           | 215,000            | 367,000             | 273,000            |
| Services.....                         | 127,000            | 350,000             | 233,000            |
| Plant.....                            | 2,874,000          | 3,623,000           | 2,044,000          |
| Real estate.....                      | 1,607,000          | 3,563,000           | 1,474,000          |
| Bulkheads, piers and water rights ... | 250,000            | 425,000             | 300,000            |
| Office buildings.....                 | 100,000            | 175,000             | .....              |
| Office furniture.....                 | 15,000             | 20,000              | 12,000             |
| Laboratories, photometer rooms, etc.  | 5,000              | 5,000               | 5,000              |
|                                       | <u>\$6,143,000</u> | <u>\$9,611,000</u>  | <u>\$5,312,000</u> |
| Rights, franchises, etc .....         | 1,417,000          | 2,329,000           | 1,863,000-         |
| Totals.....                           | <u>\$7,560,000</u> | <u>\$11,940,000</u> | <u>\$7,175,000</u> |

|  | Municipal.         | Knickerbocker.     | Harlem.            | Total.              |
|--|--------------------|--------------------|--------------------|---------------------|
| Street mains, valves, etc..                  | \$749,000          | \$744,000          | \$720,000          | \$5,217,000         |
| Meters.....                                  | 158,000            | 69,000             | 113,000            | 1,195,000           |
| Services.....                                | 103,000            | 81,000             | 111,000            | 1,005,000           |
| Plant.....                                   | 1,804,000          | 980,000            | 826,000            | 12,151,000          |
| Real estate.....                             | 889,000            | 480,000            | 604,000            | 8,617,000           |
| Bulkheads, piers and<br>water rights.....    | 200,000            | 115,000            | 100,000            | 1,390,000           |
| Office buildings.....                        | .....              | .....              | 50,000             | 325,000             |
| Office furniture.....                        | 16,000             | 2,000              | 5,000              | 70,000              |
| Laboratories, photometer,<br>rooms, etc..... | 6,000              | 1,000              | 2,000              | 24,000              |
|  | <u>\$3,925,000</u> | <u>\$2,472,000</u> | <u>\$2,531,000</u> | <u>\$29,994,000</u> |
| Rights, franchises, etc....                  | 1,175,000          | 528,000            | 469,000            | 7,781,000           |
| Totals.....                                  | <u>\$5,100,000</u> | <u>\$3,000,000</u> | <u>\$3,000,000</u> | <u>\$37,775,000</u> |

This appraisal, as of June, 1884, was adjusted so as to cover additions up to November 11, 1884, amounting to \$196,419.01, making the total of the property account of the latter date \$37,971,419.01 as follows:

|                                   | As per schedule<br>June, 1884. | Additions to<br>Nov. 11, 1884. | Total<br>Nov. 11, 1884. |
|-----------------------------------|--------------------------------|--------------------------------|-------------------------|
| Real estate.....                  | \$10,332,000 00                | .....                          | \$10,332,000 00         |
| Plant.....                        | 12,175,000 00                  | \$7,491 41                     | 12,182,491 41           |
| Mains.....                        | 5,217,000 00                   | 16,962 10                      | 5,233,962 10            |
| Services.....                     | 1,005,000 00                   | 29,241 41                      | 1,034,241 41            |
| Meters.....                       | 1,195,000 00                   | 36,753 98                      | 1,231,753 98            |
| Meter cocks and connections ..... | .....                          | 11,926 53                      | 11,926 53               |
| Pipes and specials.....           | .....                          | 88,398 43                      | 88,398 43               |
| Office furniture and fixtures     | 70,000 00                      | .....                          | 70,000 00               |
| Horses, wagons and harness .....  | .....                          | 1,115 00                       | 1,115 00                |
| Tools and implements.....         | .....                          | 3,273 70                       | 3,273 70                |
| Gas stoves.....                   | .....                          | 1,256 45                       | 1,256 45                |
| Scows.....                        | .....                          | .....                          | .....                   |
|                                   | <u>\$29,994,000 00</u>         | <u>\$196,419 01</u>            | <u>\$30,190,419 01</u>  |
| Franchises and rights.....        | 7,781,000 00                   | .....                          | 7,781,000 00            |
| Total.....                        | <u>\$37,775,000 00</u>         | <u>\$196,419 01</u>            | <u>\$37,971,419 01</u>  |

It appears from the evidence taken by the investigating committee appointed by the Senate by resolution adopted May 15, 1885, that the cost of the properties of the constituent companies as shown by their books, exclusive of franchises, was \$20,942,632.85 as follows:

|                         | Cost of property. |
|-------------------------|-------------------|
| Manhattan . . . . .     | \$4,872,999 49    |
| New York . . . . .      | 4,630,642 03      |
| Metropolitan . . . . .  | 5,292,175 35      |
| Municipal . . . . .     | 4,092,347 86      |
| Knickerbocker . . . . . | 810,481 15        |
| Harlem . . . . .        | 1,243,986 97      |
|                         | <hr/>             |
|                         | \$20,942,632 85   |
|                         | <hr/>             |

But evidence was offered on behalf of the company to the effect that the fair cost of the real estate and plant necessary to produce and deliver gas in the city of New York was about \$1,000,000 for every million of feet produced and distributed daily. Upon this basis the majority of the Committee concluded that a valuation of \$29,994,000 was not too high. The majority report upon this point was as follows: "The question for your Committee to examine was, was this capitalization thus obtained more than the fair aggregate value of the property, franchises and rights of the constituent companies at the time of the consolidation. The street mains, valves, meters, services, plant, office building, office furniture, laboratories, appear to have been appraised at the value of what it would cost to reproduce them at the time of the consolidation, and there is no evidence that any of these items were appraised too high except the evidence of the expert, Mr. Yalden, who finds that they were valued higher than they appear to have been charged as costing in the company's books. As to the value of the real estate, bulkheads, piers and water rights there is a conflict of testimony. It is a difficult question to determine owing to the various opinions of real estate dealers. It appears from the evidence given by the three presidents of Equitable, Consolidated and Mutual Companies that it costs for real estate and everything necessary for a capacity to produce and deliver gas in the city of New York about \$1,000,000 for every million of feet produced and distributed daily.

"The Consolidated Gas Company can now produce and deliver 28,000,000 cubic feet daily and having a large amount of plant not now in use, by the additional expense of \$1,000,000 it can

produce and deliver 33,000,000 feet per day. If the above basis is a correct one then the aggregate value of the real estate and plants of the several companies given at \$29,994,000 is not too high." (Senate Document (1886) No. 47, page lxxvi.)

From this conclusion Senator John I. Gilbert dissented vigorously, saying, after an examination of the evidence, in detail:

"Thus it is undisputable that upon the evidence the fair capital of the combined constituent companies having regard to their actual and perspective capacities and present output of gas, should stand at less than twenty millions of dollars." (Ibid., page 48.)

To the valuation of \$29,994,000 covering tangible properties there was added \$7,781,000 for franchises and rights. As to this addition the majority of the committee said:

"There certainly seems to be a great injustice to the people in permitting the value of the franchise conferred by the State to form a basis of capitalization for the purpose of organization as a corporation and that the consumers of gas should be required to pay such a price for it as would pay a dividend upon the value of these franchises which are a gift to the people. But it is a fact that the law of 1884, under which these companies consolidated, expressly authorized this to be done. \* \* \* Thus the question for your Committee to decide was this: Was \$7,781,000 more than the fair aggregate value of the franchises and rights of these six companies? We are forced to the conclusion that it was not, that the franchises of the New York, Manhattan, Metropolitan and Municipal were worth more than that sum, and if these companies saw fit to give a part of the value of their franchises to the stockholders of the Harlem and Knickerbocker it was matter that interested only the stockholders of those companies." (Ibid. 77, lxxix.)

As to this Senator Gilbert in his dissenting opinion said:

"One fictitious item of \$7,781,000. With no limitation by law on the price of gas and regulation as to its quality or measurement, the effect of adding arbitrarily \$7,781,000, the last scheduled item to the capitalization of six companies already capitalized excessively for the business they were conducting, is to tax gas consumers for an unrestricted profit on an apparent invest-



ment of \$7,781,000 when in honest truth that \$7,781,000 does not represent one dollar.

“Seven per cent on this sum is over half a million dollars per annum. More than four times that amount has already been distributed as dividends and collected by the consolidation from the gas-paying public of New York.

“This item alone of \$7,781,000 is a significant badge. The public wrongs its approval would perpetuate justifies the Legislature in disintegrating the transaction of which it is an essential element.” (Ibid., page 46.)

This item of \$7,781,000 was described by Harrison E. Gawtry, former president of the Consolidated Gas Company, in his testimony before the State Board of Tax Commissioners, as representing the good will of the Consolidated companies, the right to exist as a corporation, contracts with the city, etc., the right to make and sell gas, and the right to occupy the streets.

The result of the consolidation was that the shareholders of the six companies capitalized the properties which according to their books had cost them \$20,942,632.85 at \$37,971,419.01 without any additional contribution.

Since 1884 the company has expended for replacements \$4,663,838.32 and a corresponding amount has been written off for depreciation. There have also been added for betterments \$9,431,198.52 which represents the net increase of the plant account according to the books. The actual book cost of the present plant thus appears to be \$30,373,831.37 as follows:

|  |                               |
|--|-------------------------------|
| Original cost as shown by the books of the constituent companies (Senate Document (86) 47, page 776) ..... | \$20,942,632 85               |
| Increase since 1884 as shown by company's books (Exhibit 387) .....  | 9,431,198 52                  |
| Total book cost.....   | <u><u>\$30,373,831 37</u></u> |

As to the actual value of this property invested in the gas-making business of the company, we had its sworn statements to the State Board of Tax Commissioners as of June 30, 1904. Schedule D of this report shows the following assets as of said date:

|   |              |    |
|---|--------------|----|
| Real estate and plant.....                      | \$19,673,075 | 42 |
| Mains and services.....                         | 4,261,156    | 39 |
| Bonds and obligations of other companies.....   | 8,686,744    | 70 |
| Stocks of other companies.....                  | 46,674,034   | 27 |
| Material and supplies.....                      | 697,014      | 92 |
| Accounts and bills receivable.....              | 1,944,968    | 09 |
| Cash on hand.....                               | 1,146,866    | 87 |
| Unclaimed dividends .....                       | 39,052       | 50 |
| Metropolitan fund .....                         | 500          | 00 |
| Contracts, rights, etc.....                     | 7,781,000    | 00 |
| Meters, stoves and other personal property..... | 2,667,329    | 77 |
| Total .....                                     | \$93,571,742 | 93 |

Taking out the items of stocks, bonds and obligations of other companies, accounts and bills receivable, cash on hand, unclaimed dividends and metropolitan fund, the remainder represents the value of the company's plant:

|                             |              |    |
|-----------------------------|--------------|----|
| Real estate and plant.....  | \$19,673,075 | 42 |
| Mains and services.....     | 4,261,156    | 39 |
| Material and supplies.....  | 697,014      | 92 |
| Meters, stoves, etc.....    | 2,667,329    | 77 |
| Contracts, rights, etc..... | 7,781,000    | 00 |
| Total .....                 | \$35,079,576 | 50 |

The secretary of the company testified that this was the value of the assets on the basis of cost of reproduction, allowing depreciation. It will be found by reference to Schedule K of the said report, verified by him, that the value of the assets was stated on the basis of the cost of reproduction without allowing depreciation save in the case of property in streets, to wit, mains and services. These mains and services were put at \$4,261,156.39 as their present value, allowing depreciation, while their value on the basis of cost of reproduction without allowing depreciation was stated to be \$5,613,221.12.

The following is a comparison of the items constituting plant as

shown by the books and by the report to the State Board of Tax Commissioners, both as of June 30, 1904 (Exhibit 390) :

|  | Book value.     | Value as stated<br>in report. | Difference.     |
|--|-----------------|-------------------------------|-----------------|
| Real estate.....                                   | \$11,216,479 71 | \$11,216,479 71               | .....           |
| Plant.....   | 15,755,462 88   | 8,456,595 71                  | \$7,298,867 17  |
| Mains.....   | 7,571,808 83    | *3,666,531 38                 | 3,905,277 45    |
| Services.....                                      | 1,227,931 86    | *594,625 01                   | 633,306 85      |
| Material and supplies....                          | 697,014 92      | *697,014 92                   | .....           |
| Meters, stoves and other<br>personal property..... | 3,630,772 12    | 2,667,329 77                  | 963,442 35      |
| Franchises and rights....                          | 7,781,000 00    | 7,781,000 00                  | .....           |
| Total.....   | \$47,880,470 32 | \$35,079,576 50               | \$12,800,393 82 |

\* Stated in Tax Report under the heading "Present value allowing for depreciation." Reproduction value stated as \$5,613,221.12 for mains and services made up as follows (detail not given in report):

|               |                       |
|---------------|-----------------------|
| Mains.....    | \$4,829,925 82        |
| Services..... | 783,295 30            |
| Total.....    | <u>\$5,613,221 12</u> |

If from the total value of plant as stated in the report to the State Board of Tax Commissioners, the item of franchises and rights, \$7,781,000, be deducted, there remains as the actual value on the basis of cost of reproduction without depreciation, except in the case of mains and services, \$27,298,576.50, as follows:

|   |                        |
|---|------------------------|
| Total value of plant as stated in report..... | \$35,079,576 50        |
| Franchises and rights.....                    | 7,781,000 00           |
| Total value of tangible properties.....       | <u>\$27,298,576 50</u> |

There is no satisfactory evidence that the plant of the company is worth more than this amount, which may fairly be taken as its present actual value.

### GOOD WILL, FRANCHISES, ETC.

The fact that the company, by rendering competition impossible, has been able to earn large dividends does not justify it in adding to the value of its plant an additional amount for good will or earning capacity and thereby justify a continuance of excessive charges. If this were permitted it would be able to secure in per-

petuity the maintenance of exorbitant rates. Extortion for a series of years would be the sufficient excuse for further extortion. Indeed, there would seem to be no escape from the conclusion that successful imposition upon the public would warrant increased charges upon the ground of enhanced good will. The company is entitled to a fair return upon its capital actually invested, but it is not entitled to capitalize its grip upon the public. The fact that it may be proper to value good will due to efficient organization and to the securing of public esteem through good service under ordinary conditions of competition furnishes no reason for an addition to capital in order to maintain high charges of an amount which, while termed good will, is really an estimate of an earning capacity due to a monopolization of a public service. Upon the facts disclosed by the evidence the Consolidated Gas Company cannot properly claim the right to add to value of its plant upon the score of franchises and rights save as these may be deemed to represent actual property, to wit, rights in the streets duly required pursuant to law.

But it is doubtful whether the Consolidated Gas Company has any extensive rights in the city of New York. It appears that no franchise other than the franchise to be a corporation has been granted to the Consolidated Gas Company, and it would seem that several of the grants to the constituent companies have expired or will soon expire.

The grant to the New York Gas Light Company was made May 12, 1823, for thirty years. The grant to the Manhattan Gas Light Company was made May 5, 1848, for twenty years. The grant to the Metropolitan Gas Light Company was made December 22, 1858, for thirty years. The grant to the Municipal Gas Light Company under ordinance of December 23, 1876, apparently will expire in 1907. The grant to the Anthracite Gas Lighting and Heating Company made September 17, 1863, and claimed by the Knickerbocker Gas Light Company, apparently will expire in 1913. The grant to the Harlem Gas Light Company, which was incorporated in 1855 for a period of fifty years, was made April 25, 1855, and contained no time limitation. The city, however, reserved the right "to purchase at any time from the said company all the materials, pipes, fixtures, buildings and all and singu-



lar all the personal and real property owned by said company by paying to said company the cost of the same and ten per cent. over and above said cost." No evidence has been furnished of any other franchise granted to any other constituent company or claimed by the Consolidated Gas Company.

It is not the province of this Committee to determine precisely to what extent the Consolidated Gas Company may possess rights in the streets. It is the duty of the municipal officers to take proper steps to prevent an unauthorized encroachment upon public property, and the matter is now under consideration by the corporation counsel.

Sufficient facts, appear, however, to make it extremely doubtful whether the Consolidated Gas Company has any rights in the streets of considerable value. It has been urged upon the Committee that the Senate committee in 1886, long after several of the grants to constituent companies had lapsed, reported that the franchises of four of the companies were worth more than \$7,781,000. It would seem, however, that the Senate committee referred simply to the good will of the constituent companies, based upon the large dividends they had previously declared, a matter as to which we have already expressed our opinion. Reliance is also placed upon the fact that the State Board of Tax Commissioners has assessed the franchises of the Consolidated Gas Company at several millions of dollars. Not only has the company resisted these assessments upon the ground that they were without warrant of law, but it is obvious that the State Board of Tax Commissioners could not by their assessment create franchises, and the company has had it in its power by proper proceedings to review the assessments in the courts. For obvious reasons, the company has not seen fit to challenge the assessments upon the ground that it had no rights in the streets or that its rights were not extensive as its mains, and the assessments cannot be regarded as evidence that the company possesses franchises of value, when the question of the fairness of the charges of the company in relation to its actual investment, is under consideration. Taking into consideration the original cost of its properties, we have no reason to believe that the company has underestimated their value, and our conclusion, based upon the sworn statements of the officers of the



company, is that the fair value of its gas-making plant, including whatever franchises it may own, does not exceed the sum of \$30,000,000.

### INCOME AND DIVIDENDS.

The income of the Consolidated Gas Company from gas sales securities owned and miscellaneous sources (including rentals from gas stoves, interest on bank balances, etc.) for the years 1900 to 1904, inclusive, was as follows:

|  | 1900.                 | 1901.                 | 1902.                 | 1903.                |
|--|-----------------------|-----------------------|-----------------------|----------------------|
| Gas sales.....   | \$8,167,710 82        | \$10,290,331 90       | \$11,499,438 88       | \$12,774,240 18      |
|  | 1904.                 |                       |                       |                      |
|  | \$13,167,609 70       |                       |                       |                      |
| Income from securi-<br>ties owned (less<br>tax applicable to<br>same)..... | 1900.<br>\$210,693 53 | 1901.<br>\$586,868 59 | 1902.<br>\$634,607 53 | 1903<br>\$738,806 40 |
|  | 1904.<br>\$963,514 19 |                       |                       |                      |
| Miscellaneous income   | 1900.<br>\$215,509 64 | 1901.<br>\$76,483 16  | 1902.<br>\$100,165 33 | 1903<br>\$109,905 87 |
|  | 1904.<br>\$119,717 55 |                       |                       |                      |

With the exception of the years 1899 and 1900 the Consolidated Gas Company paid dividends at the rate of 8 per cent per annum from 1894 until December, 1904, when a quarterly dividend was declared of  $2\frac{1}{2}$  per cent., or at the rate of 10 per cent. per annum. The dividends for the year 1899 were  $5\frac{1}{2}$  per cent., and in 1900, 6 per cent. The following is a table of the capital outstanding and the rate of dividends paid for the years 1900 to 1904 inclusive:

| Dividend dates.    | Capital stock.  | Rate<br>Per cent. | Dividend paid. |
|--------------------|-----------------|-------------------|----------------|
| Mar. 15, 1900..... | \$39,077,900 00 | 1%                | \$390,779 00   |
| June 15, 1900..... | 54,551,900 00   | 1%                | 545,519 00     |
| Sep. 15, 1900..... | 54,551,900 00   | 2%                | 1,091,038 00   |
| Dec. 15, 1900..... | 71,593,700 00   | 2%                | 1,431,874 00   |
| Mar. 15, 1901..... | 72,533,900 00   | 2%                | 1,450,678 00   |
| June 15, 1901..... | 72,830,200 00   | 2%                | 1,456,604 00   |
| Sep. 15, 1901..... | 72,831,100 00   | 2%                | 1,456,622 00   |
| Dec. 15, 1901..... | 72,886,400 00   | 2%                | 1,457,728 00   |
| Mar. 15, 1902..... | 72,891,100 00   | 2%                | 1,457,822 00   |
| June 15, 1902..... | 72,891,800 00   | 2%                | 1,457,836 00   |
| Sep. 15, 1902..... | 72,916,400 00   | 2%                | 1,458,328 00   |

| Dividend dates.    | Capital stock.  | Rate<br>Per cent. | Dividend paid. |
|--------------------|-----------------|-------------------|----------------|
| Dec. 15, 1902..... | \$72,917,100 00 | 2%                | 1,458,342 00   |
| Mar. 15, 1903..... | 72,917,200 00   | 2%                | 1,458,344 00   |
| June 15, 1903..... | 72,917,200 00   | 2%                | 1,458,344 00   |
| Sep. 15, 1903..... | 72,917,600 00   | 2%                | 1,458,352 00   |
| Dec. 15, 1903..... | 79,986,300 00   | 2%                | 1,599,726 00   |
| Mar. 15, 1904..... | 79,998,900 90   | 2%                | 1,599,978 00   |
| June 15, 1904..... | 79,999,600 00   | 2%                | 1,599,992 00   |
| Sep. 15, 1904..... | 80,000,000 00   | 2%                | 1,600,000 00   |
| Dec. 15, 1904..... | 80,000,000 00   | 2½%               | 2,000,000 00   |

In addition to these dividends the stockholders are receiving interest at the rate of 6% per annum upon \$19,857,600 of debentures convertible into stock of the company at par. It is apparent that these dividends and interest are paid for the most part out of the profits of the gas business. The income from securities owned is slight in comparison with the amount of capital invested in them. Upon a large proportion of the shares of other lighting companies owned by it the Consolidated Gas Company receives no return whatever. The investment in these securities serves the double purpose of preventing competition on the one hand, and of so enlarging the capital stock, on the other hand, as to disguise in a lower rate of dividends the large amount of profits received from the business of making and selling gas.

#### COST OF MAKING GAS.

In the last few years the Consolidated Gas Company has purchased a considerable amount of the gas sold by it from the companies which it controls. The amount of gas made by the Consolidated Gas Company and manufactured for it by other companies in the years 1901 to 1904, inclusive, is as follows:

##### *Gas Manufactured by Consolidated Gas Company.*

| 1901.              | 1902.              | 1903.              | 1904.              |
|--------------------|--------------------|--------------------|--------------------|
| 9,696,461,000 c.f. | 9,899,300,000 c.f. | 9,911,434,000 c.f. | 8,984,950,000 c.f. |

##### *Gas Manufactured for Consolidated Gas Company.*

By New Amsterdam Gas Company—

| 1901.            | 1902.              | 1903.              | 1904.              |
|------------------|--------------------|--------------------|--------------------|
| 672,991,538 c.f. | 1,758,139,300 c.f. | 2,794,598,600 c.f. | 3,487,038,600 c.f. |

By Standard Gas Light Company—

| 1901.            | 1902.            | 1903.            | 1904.            |
|------------------|------------------|------------------|------------------|
| 557,287,582 c.f. | 561,049,017 c.f. | 517,445,182 c.f. | 675,853,790 c.f. |

By Mutual Gas Light Company—

| 1901.           | 1902.            | 1903.            | 1904.            |
|-----------------|------------------|------------------|------------------|
| 88,012,733 c.f. | 135,795,500 c.f. | 193,178,400 c.f. | 738,324,300 c.f. |

By Central Union Gas Company—

| 1901. | 1902. | 1903. | 1904.           |
|-------|-------|-------|-----------------|
| ..... | ..... | ..... | 27,258,300 c.f. |

This gas was delivered to the Consolidated Gas Company either at its holders or in its mains. The price agreed to be paid therefor was the actual cost of the labor and material entering into its manufacture, plus ten per cent. thereof for the service rendered. There was an exception to this in the case of the Mutual Gas Light Company in 1901, when the net price was fixed at fifty cents per thousand cubic feet. The rates paid upon this basis per thousand cubic feet of gas purchased were as follows:

| <i>Purchased from:</i>         | 1901. | 1902. | 1903. | 1904. | Average. |
|--------------------------------|-------|-------|-------|-------|----------|
| New Amsterdam Gas Company .    | 33.17 | 38.03 | 34.74 | 32.88 | 34.54    |
| Standard Gas Light Company.... | 35.18 | 33.82 | 33.96 | 32.36 | 33.51    |
| Mutual Gas Light Company.....  | 50.00 | 44.10 | 45.07 | 40.46 | 42.39    |
| Central Union Gas Company..... | ..... | ..... | ..... | 28.09 | 28.09    |
| Total.....                     | 35.15 | 37.18 | 35.19 | 33.92 | 35.70    |

The cost of the gas made by the Consolidated Gas Company at its holders during the years 1901 to 1904, inclusive, is, according to its books, as follows:

| YEAR      | Quantity.        | Cost out of holder. | Rate per<br>1,000 cu. ft. |
|-----------|------------------|---------------------|---------------------------|
| 1901..... | 9,696,461 c. f.  | \$3,521,619 67      | \$.363                    |
| 1902..... | 9,899,300 c. f.  | 3,445,229 12        | .348                      |
| 1903..... | 9,911,434 c. f.  | 3,824,806 14        | .386                      |
| 1904..... | 8,984,950 c. f.  | 3,528,901 55        | .393                      |
| Total.... | 38,492,145 c. f. | \$14,320,556 48     | Avg. .3725                |

The foregoing cost out of holder includes the actual cost of production, that is to say, labor and materials, and also covers repairs to apparatus, the buildings, and to tools and implements. Replacements of plant are also charged to the cost of production. The cost out of holder does not, however, include the expenses of

distribution of the gas or any portion of the general administration.

It is noticeable that the Consolidated Gas Company bought gas cheaper than it made it. Its larger purchases were made from the New Amsterdam Gas Company. In the year 1904 the New Amsterdam Gas Company manufactured for the Consolidated Gas Company 3,487,038,600 c. f. or about one-quarter of the entire amount of the gas sold by the latter. The average price of this gas at cost and ten per cent. was .3288 per 1,000 cubic feet while the gas made by the Consolidated Gas Company during the same year was produced at a cost out of holder of .393.

Taking the cost of gas made and the cost of gas purchased by the Consolidated Gas Company the total average cost out of holder of all the gas manufactured and purchased is found to be as follows:

#### 1901.

|                        |                               |
|------------------------|-------------------------------|
| Gas manufactured ..... | 9,696,461,000 c. f. at \$.363 |
| Gas purchased .....    | 1,318,291,673 c. f. at .345   |
| Total .....            | 11,014,752,673 c. f. Av. .362 |

#### 1902.

|                        |                               |
|------------------------|-------------------------------|
| Gas manufactured ..... | 9,899,300,000 c. f. at \$.348 |
| Gas purchased .....    | 2,454,983,817 c. f. at .372   |
| Total .....            | 12,354,283,817 c. f. Av. .353 |

#### 1903.

|                        |                               |
|------------------------|-------------------------------|
| Gas manufactured ..... | 9,911,434,000 c. f. at \$.386 |
| Gas purchased .....    | 3,505,222,182 c. f. at .35    |
| Total .....            | 13,416,656,182 c. f. Av. .377 |

#### 1904.

|                        |                               |
|------------------------|-------------------------------|
| Gas manufactured ..... | 8,984,950,000 c. f. at \$.393 |
| Gas purchased .....    | 4,928,474,990 c. f. at .339   |
| Total .....            | 13,913,424,990 c. f. Av. .374 |

### COST OF DISTRIBUTION.

The following is the cost of distribution, amount of repairs to property, other than that used in manufacture, interest on

consumers' deposits, bad debts, replacements of mains, meters, services, etc.:

| YEAR      | Quantity (Total mfd. and purchased). | Cost of distribution. | Rate per 1,000 cu. ft. |
|-----------|--------------------------------------|-----------------------|------------------------|
| 1901..... | 11,014,752,673 cf.                   | \$1,408,258 38        | \$.128                 |
| 1902..... | 12,354,283,817 cf.                   | 1,605,554 04          | .13                    |
| 1903..... | 13,416,656,182 cf.                   | 1,547,994 59          | .1154                  |
| 1904..... | 13,913,424,990 cf.                   | 1,611,263 18          | .1158                  |

#### GENERAL EXPENSES NOT EMBRACED IN COST OF PRODUCTION AND DISTRIBUTION.

These include general office expenses, advertising and legal expenses, insurance, taxes, etc., and are as follows:

| YEAR.     | Quantity.          | Amount.      | Rate.  |
|-----------|--------------------|--------------|--------|
| 1901..... | 11,014,752,673 cf. | \$950,032 28 | \$.086 |
| 1902..... | 12,054,283,817 cf. | 1,032,691 05 | .084   |
| 1903..... | 13,416,656,182 cf. | 1,272,085 41 | .095   |
| 1904..... | 13,913,424,990 cf. | 1,224,467 07 | .088   |

The foregoing does not include dividends, or interest on funded debt or outstanding debentures.

The total average cost according to the books of the company, for the manufacture and purchase of gas for the years 1901 to 1904 inclusive is as follows:

#### TOTAL COST OF GAS MANUFACTURED AND PURCHASED PER 1,000 CUBIC FOOT.

| YEAR.               | Cost of manufacture. | Cost of distribution. | General expense. | Total. |
|---------------------|----------------------|-----------------------|------------------|--------|
| 1901                | .362                 | .128                  | .086             | .576   |
| 1902                | .353                 | .13                   | .084             | .566   |
| 1903                | .377                 | .115                  | .095             | .587   |
| 1904                | .374                 | .116                  | .088             | .578   |
| Average for 4 years | .366                 | .122                  | .0882            | .577   |

A portion of the gas manufactured and purchased was used by the company and a further portion is unaccounted for owing to losses in distribution, leakage, etc. The rate of cost based upon



gas sales is therefore somewhat larger than the rate based upon gas production.

The gas sales in the years 1901 to 1904, inclusive, were as follows:

| YEAR.  | Gas manufactured<br>and purchased. | Gas used by<br>company. | Gas unaccounted<br>for. | Gas sold.           |
|--------|------------------------------------|-------------------------|-------------------------|---------------------|
| 1901.. | 11,014,752,673 c.f.                | 70,055,963 c.f.         | 647,740,949 c.f.        | 10,296,955,761 c.f. |
| 1902.. | 12,354,283,817 c.f.                | 60,460,556 c.f.         | 798,985,010 c.f.        | 11,494,838,251 c.f. |
| 1903.. | 13,416,656,182 c.f.                | 61,923,306 c.f.         | 588,187,597 c.f.        | 12,766,545,279 c.f. |
| 1904.. | 13,913,424,990 c.f.                | 64,914,306 c.f.         | 677,750,504 c.f.        | 13,170,760,180 c.f. |

The following is the cost per thousand cubic feet upon the basis of gas actually sold:

| YEAR.     | Gas sold.           | Total expenses exclu-<br>sive of interest. | Rate per<br>1,000 c.f. |
|-----------|---------------------|--|------------------------|
| 1901..... | 10,296,955,761 c.f. | \$6,338,144 50                             | \$.6155                |
| 1902..... | 11,494,838,251 c.f. | 6,996,143 38                               | .6086                  |
| 1903..... | 12,766,545,279 c.f. | 7,878,601 88                               | .6171                  |
| 1904..... | 13,170,760,180 c.f. | 8,036,281 97                               | .6101                  |

### FUTURE PLANTS.

The Consolidated Gas Company contemplates the abandonment of the generating stations in the Borough of Manhattan and the substitution therefor of the new generating plant which it is now erecting at Astoria, L. I., through its subsidiary corporation, the Astoria Light, Heat and Power Company. The plant at Astoria is to have a total capacity of 40,000,000 cubic feet per day or capable of producing a yearly average substantially equivalent to the production of its present plants in Manhattan. There have already been expended for this purpose upwards of \$3,000,000 represented by the obligations of the Astoria Company. The plant which will thus be replaced has a book value of approximately \$10,000,000. It has been testified that the improvements in apparatus and the economies due to centralization will reduce the cost of gas out of holder to about twenty-nine cents per thousand cubic feet.

### THE NEW YORK MUTUAL GAS LIGHT COMPANY.

#### *History.*

This company was incorporated by chapter 651 of the Laws of 1866, with a capital stock of \$500,000, which was subsequently increased to \$3,500,000, of which \$3,436,600 is outstanding.

Section VI of the act of incorporation provided:

"In case the directors of the said corporation hereby created shall consolidate with or transfer the franchise hereby granted to any of the organized gas companies of the city of New York, the director or directors voting for such consolidation or transfer shall be deemed guilty of misdemeanor and upon conviction shall be punished by imprisonment in the penitentiary of said county for a period of not less than six nor more than twelve months."

This provision has been evaded by the purchase by the Consolidated Gas Company in the years 1899 to 1893 of a control of the corporation, that is to say, of a majority of its capital stock amounting in par value to \$1,763,200 for which, as already stated, the Consolidated Gas Company paid \$5,328,227.80.

The mutual company has no funded debt.

### *Properties.*

The company has no interest in the securities of other corporations and its real estate and manufacturing and distribution plant, at book value, according to the balance sheet of December 31, 1904, amounts to \$3,350,522.71, to wit:

|                            |                       |
|----------------------------|-----------------------|
| Real estate.....           | \$882,550 00          |
| Bulkheads .....            | \$29,936 52           |
| Mains .....                | 433,893 09            |
| Services .....             | 153,551 46            |
| Meters .....               | 162,986 81            |
| Tools .....                | 8,474 81              |
| Office furniture .....     | 1,280 13              |
| Gas stoves .....           | 8,530 75              |
| Manufacturing plant .....  | 1,618,915 13          |
|                            | <hr/>                 |
|                            | 2,417,568 70          |
| Material and supplies..... | 50,404 01             |
|                            | <hr/>                 |
|                            | <u>\$3,350,522 71</u> |

The company has in the last two years expended out of accumulated earnings upwards of \$800,000 for the improvement of its plant which was "worn out, out of date and had outlived its usefulness." And it is contemplated that an expenditure of

about \$700,000 to \$800,000 will be needed in order to complete the necessary improvements.

The amounts expended for betterments and written off for depreciation, since 1894, are as follows:

|   |             |                |
|---|-------------|----------------|
| Book value of plant and property December 31, |             |                |
| 1894, as per balance sheet.....               | \$2,094,040 | 84             |
| Amounts expended on same:                     |             |                |
| 1895 .....                                    | \$98,143    | 60             |
| 1896 .....                                    | 56,357      | 72             |
| 1897 .....                                    | 174,155     | 59             |
| 1898 .....                                    | 127,437     | 41             |
| 1899 .....                                    | 48,580      | 97             |
| 1900 .....                                    | 64,934      | 36             |
| 1901 .....                                    | 27,430      | 40             |
| 1902 .....                                    | 44,148      | 58             |
| 1903 .....                                    | 646,023     | 67             |
| 1904 .....                                    | 296,458     | 28             |
|   | <hr/>       | 1,583,670 38   |
|   |             | <hr/>          |
|   |             | \$3,677,711 22 |
| Meters and stoves condemned and               |             |                |
| lost .....                                    | \$57,810    | 33             |
| Holders taken down.....                       | (8)309,289  | 48             |
| Depreciation .....                            | 893,042     | 71             |
|   | <hr/>       | 1,260,142 52   |
|   |             | <hr/>          |
| Book value of plant and property December     |             |                |
| 31, 1904 .....                                | \$2,417,568 | 70             |
|   | <hr/>       | <hr/>          |

#### *Franchises.*

On April 30, 1868, a grant was made to the company by the city of permission to "lay pipes for conducting gas through the streets, avenues, lanes, alleys and squares in said city for the period of thirty years." It does not appear that any other grant has been made to the company.

#### *Income, Expenses and Dividends.*

The Mutual Company sells gas to the Consolidated Gas Company and buys gas from that company, the accounts being adjusted in each case on the basis of cost of labor and materials

plus ten per cent. for services. The Mutual Company also sells gas to the New Amsterdam Gas Company and to the Standard Gas Light Company at the rate of \$1 per thousand cubic feet, permitting as offset of 50 cents for distribution and general services, the net sum received being 50 cents per thousand cubic feet.

The sales to the New Amsterdam Gas Company and the Standard Gas Light Company figure among the total sales of gas, while the sales to the Consolidated Gas Company are treated on the books as a credit on manufacturing account against the general cost of manufacture.

The total amount of gas sold, with the net proceeds realized, exclusive of sales to the Consolidated Gas Company, for the years 1900 to 1904 is as follows:

| Year.      | Gas sold, cubic feet. | Amount realized. |
|------------|-----------------------|------------------|
| 1900 ..... | 1,336,778,125         | \$1,105,698 11   |
| 1901 ..... | 1,407,615,800         | 1,361,355 33     |
| 1902 ..... | 1,457,287,000         | 1,445,129 53     |
| 1903 ..... | 1,579,584,700         | 1,559,889 74     |
| 1904 ..... | 1,707,311,700         | 1,680,611 15     |
|            | <hr/>                 | <hr/>            |
|            | 7,488,577,325         | \$7,152,683 86   |
|            | <hr/>                 | <hr/>            |

The company also has a small income from investments of surplus, sundry rentals, etc.

The expenses of the company for the years 1900 to 1904, after crediting the net amount received from the Consolidated Gas Company, exclusive of reserves for depreciation and book value of property dismantled, are as follows:

| Year.      | Gas sales as above.<br>Cubic feet. | Expenses.    | Cost per 1,000.<br>c. f. of gas sold. |
|------------|------------------------------------|--------------|---------------------------------------|
| 1900 ..... | 1,336,778,125                      | \$826,205 58 | .617                                  |
| 1901 ..... | 1,407,615,800                      | 913,321 39   | .648                                  |
| 1902 ..... | 1,454,287,000                      | 1,004,181 92 | .690                                  |
| 1903 ..... | 1,579,584,700                      | 1,151,054 35 | .728                                  |
| 1904 ..... | 1,707,311,700                      | 1,083,549 65 | .634                                  |
|            | <hr/>                              | <hr/>        | <hr/>                                 |

The following is a statement of the net earnings of the company from gas sales for the years 1900 to 1904, its reserves for

depreciation, dividends and net surplus from such earnings, as shown by its books:

| YEAR.    | Net earnings from<br>gas sale. | Reserve for<br>depreciation. | Rate of<br>dividends. | Amount of<br>dividends. | Net surplus from<br>gas earnings. |
|----------|--------------------------------|------------------------------|-----------------------|-------------------------|-----------------------------------|
| 1900.... | \$317,211 58                   | .....                        | 6%                    | \$210,000 00            | \$107,211 58                      |
| 1901.... | 485,137 22                     | \$154,206 77                 | 9%                    | 312,464 00              | 18,466 45                         |
| 1902.... | 484,779 39                     | 146,375 90                   | 9%                    | 309,294 00              | 29,109 39                         |
| 1903.... | 455,196 01                     | 108,750 00                   | 9%                    | 309,294 00              | 37,152 01                         |
| 1904.... | 678,358 53                     | 350,630 56                   | 9%                    | 309,294 00              | 18,433 97                         |
|          | <u>\$2,420,682 73</u>          | <u>\$759,963 23</u>          | <u>.....</u>          | <u>\$1,450,346 00</u>   | <u>\$210,373 40</u>               |

The total net book surplus on December 31, 1904, after deducting reserves for depreciation and paying dividends amounted to \$646,370.71.

Section IV of the Act of Incorporation provides:

"Whenever the profits which shall be earned by said company after deducting all expenses and necessary outlays for labor and materials used in carrying on and extending the business of said company shall exceed in any one year the sum of ten per cent. upon the whole capital stock of said company, then, and in that event the excess over the said sum of ten per cent. shall be divided, the one-half of such excess between the consumers of the gas furnished by such company pro rata according to the amount consumed by them respectively and the other half shall be paid as a dividend to such owners and holders of the stock of said company as may be consumers of the gas furnished by said company; provided that no individual holder or owner of stock shall be entitled or shall receive, nor shall there be paid to him, such dividends upon more than fifty shares of such stock."

No such division as is contemplated by the statute has been made. It appears that the reserves for depreciation have not been fixed with reference to actual loss of value save in the case of certain dismantled holders in the year 1904, but that an amount has been set aside under the guise of reserve for depreciation, when otherwise the net earnings of the company would have exceeded ten per cent. of the capital stock. When the earnings permitted a dividend of only six per cent. no such reserve was created. Such reserve has depended not upon the condition of the property, but upon the amount of profits, and



when the latter has exceeded the statutory limit it has been the practice to pay dividends at the rate of nine per cent. and set aside a gross amount for depreciation which was then distributed among the various property accounts. In this way the intention of the act of incorporation has been defeated; the stockholders have received handsome dividends, and, in addition, the plant has been largely re-equipped out of earnings.

## STANDARD GAS LIGHT COMPANY.

### *History.*

This company was incorporated in the year 1886 with a capital of \$500,000, which was subsequently increased to \$10,000,000, of which there are now issued \$9,295,700, consisting of \$4,295,700 of preferred stock and \$5,000,000 of common stock. \$14,300 of common stock is in the treasury.

The funded debt of the company is \$1,285,000.

By chapter 248 of the Laws of 1886 the company was authorized "to lay conductors and mains for conducting gas through and under all the streets, avenues and squares and public places" of the city of New York. The act then provided as follows:

"And as a consideration therefor the said company shall file in the office of the Comptroller of the city of New York a stipulation or agreement that all the gas supplied through such conductors and mains shall have illuminating power of 25 candles and that no greater price or charge for supplying the same shall be charged or received by said company or its successors, lessees, agents or assign than at the rate of \$1.50 for each thousand feet of gas, provided, however, that said Standard Gas Light Company shall be subject to the provisions of any general law that may be passed regulating the price of gas in the city of New York. And that said company shall not consolidate or in any way unite with any other gas company in said city or in any way pool its earnings or receipts with any other company or organization organized for the distribution and sale of illuminating gas."

It was further provided that if the company after having filed said stipulation should violate its terms it should be the duty of the Attorney-General to institute proceedings to forfeit its charter.

Pursuant to the act a stipulation was filed with the Comptroller of the city on August 6, 1886. The stipulation did not contain any provision as to consolidation or pooling of earnings.

As has been mentioned above the Consolidated Gas Company has acquired more than nine-tenths of the stock of the company to wit: \$3,934,400 of the preferred stock and \$4,630,900 of the common stock in par value.

### *Properties.*

The company has no interest in other companies.

The book value of its real estate, plant, property, franchise and material and supplies is stated in the balance sheet of January 1, 1905, as \$10,558,350.30, to wit:

|                                     |                |
|-------------------------------------|----------------|
| Real estate .....                   | \$1,443,297 82 |
| Plant, property and franchises..... | 9,047,794 82   |
| Material and supplies.....          | 67,257 86      |

The item "plant, property and franchise" (\$9,047,794.62) is made up as follows:

|                                |                |
|--------------------------------|----------------|
| Leases and contracts.....      | \$3,795,007 50 |
| Construction works.....        | 1,668,691 93   |
| Construction street mains..... | 2,753,397 73   |
| Construction services.....     | 638,141 24     |
| Gas stoves.....                | 49,166 50      |
| Meters .....                   | 304,435 11     |
| Tools .....                    | 9,932 92       |
| Cocks and connections.....     | 6,218 44       |
| Furniture and fixtures.....    | 17,149 04      |
| Horses and carts.....          | 5,069 91       |
| Badges .....                   | 484 30         |
| Service carts.....             | 100 00         |
| <hr/>                          |                |
| Total.....                     | \$9,247,794 62 |
| Less general depreciation..... | 200,000 00     |
| <hr/>                          |                |
|                                | \$9,047,794 62 |

It is not claimed that the item "leases and contracts" (\$3,795,007.50) represents any property whatever.

The street mains and services carried in the books at \$2,753,397.73 and \$638,141.24, respectively, making a total of \$3,391,538.97, are stated in the report of the company to the State Board of Tax Commissioners as of June 30, 1904, to be worth on the basis of cost of reproduction new, \$1,156,577.04, and allowing depreciation as worth \$967,432.78. The book value of the plant, property and franchise, therefore, exceeds the actual value of the property by \$3,028,680.93, to wit:

|   |             |    |
|---|-------------|----|
| Plant, property and franchise, book value.....  | \$9,047,794 | 62 |
| Deducted in plant account for depreciation..... | 200,000     | 00 |
|   | <hr/>       |    |
|   | \$9,247,794 | 62 |

Leases and contracts, non-existent,

book value..... \$3,795,007 50

Mains and services,

book value..... \$3,391,538 97

Present value on

basis of repro-

|                  |              |              |              |
|------------------|--------------|--------------|--------------|
| duction, new.... | 1,156,517 04 | 2,234,961 93 | 6,029,969 43 |
|------------------|--------------|--------------|--------------|

|  |             |    |
|--|-------------|----|
| Value of plant on basis of reduction, new..... | \$3,217,825 | 19 |
|--|-------------|----|

|   |         |    |
|---|---------|----|
| Deduct for depreciation in mains as shown by report to State Board of Tax Commissioners (difference between \$1,156,577.04 and \$967,432.78) .. | 189,144 | 26 |
|---|---------|----|

|  |             |    |
|--|-------------|----|
| Value of plant, allowing depreciation..... | \$3,028,680 | 93 |
|--|-------------|----|

On this basis the value of the real estate, plant and material and supplies would be as follows:

|                                   |             |    |
|-----------------------------------|-------------|----|
| Real estate (book value).....     | \$1,443,297 | 82 |
| Plant, allowing depreciation..... | 3,028,680   | 93 |
| Material and supplies.....        | 67,257      | 86 |
|                                   | <hr/>       |    |
|                                   | \$4,539,236 | 61 |

### *Franchises.*

The company claims the right to open streets under the provision of chapter 248 of the Laws of 1886, above quoted.

*Income, Expenses and Dividends.*

The Standard Company sells gas to the Consolidated Gas Company on the basis of cost of labor and materials, plus ten per cent, for service, and credits the amount received against the operating expenses, the gas sold not being included in the total gas sales as shown by its profit and loss account.

The total amount of gas sold, with the net proceeds realized, exclusive of sales to the Consolidated Gas Company, for the years 1900 to 1904 are as follows:

| YEAR.      | Gas sold, cubic feet. | Amount realized. |
|------------|-----------------------|------------------|
| 1900 ..... | 1,757,858,421         | \$1,435,036 27   |
| 1901 ..... | 1,756,333,606         | 1,706,998 60     |
| 1902 ..... | 1,856,350,733         | 1,838,906 54     |
| 1903 ..... | 1,987,743,082         | 1,962,158 29     |
| 1904 ..... | 2,042,719,409         | 2,011,126 20     |

The company receives an additional income of a small amount from rentals, interest, etc.

The expenses of the company for the years 1900 to 1904, after crediting the net amount received from the Consolidated Gas Company, exclusive of interest on funded debt and reserves for depreciation, are as follows:

| YEAR.      | Gas sales as above.<br>Cubic feet. | Expenses.    | Cost per 1,000 c.f.<br>of gas sold. |
|------------|------------------------------------|--------------|-------------------------------------|
| 1900 ..... | 1,757,858,421                      | \$968,570 22 | \$.5516                             |
| 1901 ..... | 1,756,333,606                      | 939,636 31   | .535                                |
| 1902 ..... | 1,856,350,733                      | 1,048,238 90 | .561                                |
| 1903 ..... | 1,987,743,082                      | 1,044,317 63 | .525                                |
| 1904 ..... | 2,042,719,409                      | 1,051,779 98 | .514                                |

The net earnings of the company for these years and its reserves for depreciation, dividends and net surplus are shown below:

| YEAR.      | Net earnings from<br>gas sales. | Interest on bonds. | Reserved for<br>depreciation. |
|------------|---------------------------------|--------------------|-------------------------------|
| 1900 ..... | \$466,466 05                    | \$68,100 00        | \$31,680 49                   |
| 1901 ..... | 767,362 29                      | 68,100 00          | 9,896 40                      |
| 1902 ..... | 790,727 64                      | 68,100 00          | 54,152 59                     |
| 1903 ..... | 917,840 66                      | 68,100 00          | 220,590 04                    |
| 1904 ..... | 959,346 22                      | 63,608 32          | 200,000 00                    |

| YEAR.      | RATE OF DIVIDENDS. |         | Amount of dividends. | Net surplus. |
|------------|--------------------|---------|----------------------|--------------|
|            | Preferred.         | Common. |                      |              |
| 1900 ..... | 2½%                | .....   | \$107,392 50         | \$259,293 06 |
| 1901 ..... | 6%                 | 5%      | 507,027 00           | 182,338 89   |
| 1902 ..... | 6%                 | 6%      | 556,884 00           | 111,591 05   |
| 1903 ..... | 6%                 | 6%      | 556,884 00           | 72,266 62    |
| 1904 ..... | 6%                 | 6%      | 556,884 00           | 138,853 90   |

The total net book surplus on December 31, 1904, after deducting reserves for depreciation and paying dividends, amounted to \$1,430,999.86.

## NEW AMSTERDAM GAS COMPANY.

### *History.*

The New Amsterdam Gas Company was incorporated in 1898, being a consolidation of the following companies:

Equitable Gas Light Company of New York, incorporated in 1882.

New York and East River Gas Company, incorporated in 1893.

New Amsterdam Gas Company, incorporated in 1897.

The Equitable Gas Light Company had a capital stock of \$4,000,000 and a funded debt of \$3,500,000. It owned plant and mains in the then city of New York, and operated under a permission to lay mains and pipes, granted December 26, 1882, pursuant to ordinance of December 23, 1876. It was provided that the permission, unless sooner revoked for breach of condition, should continue for thirty years from its date, and that the said permission should not be assigned or transferred without the consent of the mayor, comptroller and commissioner of public works.

Paragraph 16 provided:

"16. The Equitable Gas Light Company, its successor or successors, shall not make or enter into any combination, arrangement or agreement with any other company or companies in regard to the amount of gas mains to be laid or to the streets in which mains are to be laid, nor in regard to the quantity of illuminating gas to be manufactured or the price for which gas is to be sold, exceeding the prices fixed in these conditions, and in



the event of their so doing this permission shall *ipso facto* become null and void."

The New York and East River Gas Company had an authorized capital stock of \$1,668,500 preferred and \$5,000,000 common stock. Its bonded debt was \$5,000,000. It had acquired the entire capital stock of the East River Gas Company of Long Island City amounting to \$1,000,000.

The East River Gas Company of Long Island City was incorporated in 1890 and by chapter 338 of the Laws of 1892 was authorized to supply gas and electricity in the City of New York and for that purpose to lay and maintain conductors, mains and pipes under the streets of the city and also under the East river and across any intervening land belonging to the City of New York or to private persons. The corporation was given the right to "acquire by condemnation or purchase such real property public or private or right, interest, or easement therein for the laying and maintaining of its mains, pipes and conductors" as might be necessary in the exercise of the powers conferred. It was required to pay annually into the treasury of the City of New York three per cent. of its gross receipts "for gas furnished by it to private and public buildings in the city of New York through mains laid by it under the streets or avenues of said city." It was expressly authorized to "supply gas and electricity to any other company or companies engaged in supplying gas or electricity in the city of New York."

Pursuant to this act the East River Gas Company of Long Island City built a tunnel under the East River and also under Blackwell's Island. It does not appear that it acquired any rights for the building of its tunnel either by condemnation proceedings or by agreement or purchase. It seems that certain mains were also laid in the city of New York and a plan for the production and distribution of gas was established in Long Island City.

The East River Gas Company of Long Island City conveyed to the New York and East River Gas Company its real estate and plant in Long Island City, reserving to itself as it seems simply its franchise, its mains and tunnel. The New York and East River Gas Company also received as a part of the transaction \$1,300,000 in cash. It also acquired the stock of the Cen-

tral Union Gas Company and 7,400 shares of the stock of the Northern Union Gas Company.

The original New Amsterdam Gas Company had not acquired any property prior to the consolidation.

The funded debt and capital stock of the Consolidated Company, the present New Amsterdam Company is as follows:

Funded debt of constituent companies assumed:

|   |                       |
|---|-----------------------|
| New York and East River Gas Company, bonds.                     | \$5,000,000 00        |
| Equitable Gas Light Company, bonds.....                         | 3,500,000 00          |
| Equitable Gas Light Company, certificates of indebtedness ..... | 500,000 00            |
| Equitable Gas Light Company, purchase money mortgage .....      | 100,000 00            |
| Total .....   | <u>\$9,100,000 00</u> |

Bonds, New Amsterdam Gas Company:

|                        |                        |
|------------------------|------------------------|
| Total issue .....      | \$11,000,000 00        |
| In treasury .....      | 365,000 00             |
|                        | <u>10,635,000 00</u>   |
| Total funded debt..... | <u>\$19,735,000 00</u> |

Capital stock:

|   |                               |
|---|-------------------------------|
| Preferred shares, \$10,000,000 issued .....           | \$9,000,000 00                |
| Common shares \$13,000,000 issued .....               | 12,165,000 00                 |
|   | <u>21,165,000 00</u>          |
| Total funded debt and capital stock outstanding ..... | <u><u>\$31,900,000 00</u></u> |

This capitalization is greatly in excess of the properties owned by the company. There are, apparently, no records available showing precisely the values of the constituent companies, but it certainly appears that these properties together with later additions furnish no adequate consideration for the securities which have been issued.

Included in the property acquired are the following shares of other companies:

|  |                        |
|--|------------------------|
| New York Carbide and Acetylene Co., par value..                | \$7,000,000 00         |
| Central Union Gas Company, par value.....                      | 3,500,000 00           |
| Northern Union Gas Company, par value.....                     | 740,000 00             |
| East River Gas Company of Long Island City, par<br>value ..... | 1,000,000 00           |
| Total par value.....   | <u>\$12,240,000 00</u> |

The stock of the New York Carbide and Acetylene Company is apparently worthless, and it does not appear that it ever had any substantial value. The Central Union Gas Company and the Northern Union Gas Company have paid no dividends save a small dividend in the year 1902.

In its statement to the Department of Taxes and Assessments of the city of New York, made in March, 1904, for the purpose of revision of assessment the property of the New Amsterdam Gas Company is stated as follows:

|  |                        |
|--|------------------------|
| Total gross assets including real estate.....  | \$26,138,500 00        |
| Of above real estate other than<br>franchise .....                                     | \$3,464,000 00         |
| Of above value of franchise (as<br>fixed by State Board of Tax<br>Commissioners) ..... | 4,732,000 00           |
| Of above value of personal prop-<br>erty, not including good will...                   | 17,942,500 00          |
|  | <u>\$26,138,500 00</u> |

In a similar statement made to the same department under date of March 9, 1905, the assets are stated as follows:

|  |                        |
|--|------------------------|
| Total gross assets including real estate.....  | \$26,323,927 00        |
| Of above real estate other than<br>franchise .....                                     | \$3,414,000 00         |
| Of above value of franchise (as<br>fixed by State Board of Tax<br>Commissioners) ..... | 7,280,000 00           |
| Of above personal property.....  | 15,629,927 00          |
|  | <u>\$26,323,927 00</u> |

In each case the statement was made up in the following manner: from the total book value of the assets was deducted the amount of \$15,000,000 arbitrarily stated as the value of the good will, leaving as a balance in 1904 \$26,138,560 and in 1905 \$26,323,927. Of the amount stated as the value of personal property in each case, the sum of \$12,240,000 is the par value of the shares of other companies. The difference in the total value of personal property in the two statements of 1904 and 1905 is due to the increase of the assessment of franchises made by the State Board of Tax Commissioners, it being the practice of the company to take the assessed value of the real estate and the assessed value of its franchise as fixed by the State Board and arbitrarily treat the remainder of its book assets as the value of its tangible personal property. It is evident that statements prepared in this way, in utter disregard of the obligations assumed in making them, furnish no trustworthy index to the value of the personal property.

We have, however, the total gross assets at book value, after deducting the arbitrary estimate of good will, as \$26,323,927 in January, 1905. If from this amount of assets there is deducted only the par value of the worthless stock of the New York Carbide and Acetylene Company (\$7,000,000), there remains only \$19,323,927, a sum less than the funded debt of the company. There is little reason to doubt that the property of the New Amsterdam Gas Company is worth very much less than this amount, and the conclusion is irresistible that its stock (held by the Consolidated Gas Company) represents no value whatever. No dividends have ever been paid.

Of these shares, \$8,977,500 out of a total \$9,000,000 par value of preferred shares issued and \$12,109,500 out of a total in par value of \$12,165,000 common shares issued are held by the Consolidated Gas Company.

#### *Franchises.*

The New Amsterdam Gas Company claims no franchises in the boroughs of Manhattan and the Bronx other than that granted to the Equitable Gas Light Company for the term and upon the conditions above stated. It is a serious question whether, without the consent of the city authorities, the franchise of the latter

company could be transferred by consolidation to the New Amsterdam Gas Company, but assuming the franchise to have been lawfully transferred, the further question is presented whether the present relations between the New Amsterdam Gas Company and the Consolidated Gas Company do not constitute a breach of the conditions of the franchise rendering it subject to forfeiture.

The New Amsterdam Gas Company, however, controls the East River Gas Company of Long Island City, which still holds the franchise granted by the act of 1892.

Since the consolidation it seems that no serious effort has been made to operate separately the mains in the borough of Manhattan of the East River Gas Company of Long Island City and the amount payable to the city of New York under the act of 1892 has been arbitrarily determined by reference to a percentage of business based upon conditions immediately prior to the consolidation. It seems that a recommendation of the Corporation Counsel made some years ago that an action should be brought for the purpose of ascertaining the amount justly payable to the city has not been acted upon and no steps have been taken to ascertain whether the provisions of the act of 1892 have been duly complied with. It may also be doubted whether in the absence of condemnation proceedings or of due purchase of the easement, the East River Gas Company of Long Island City is entitled to maintain the tunnel under Blackwell's Island.

#### *Income and Expenses.*

Save for a small dividend on the shares of the Central Union Gas Company and Northern Union Gas Company, paid in 1902, the New Amsterdam Gas Company has received no income upon the securities it owns.

It sells gas, as already mentioned, to the Consolidated Gas Company, and the amount manufactured for the latter company in the years 1903 and 1904 largely exceeded the gas sold to consumers. The former does not appear among its gas sales, but the amount received therefor is credited against the expenses of its operations. The total amount of gas sold, with the net proceeds realized, exclusive of sales to the Consolidated Gas Company for the years 1900 to 1904, are as follows:



| YEAR.      | Gas sold, cubic feet. | Amount realized. |
|------------|-----------------------|------------------|
| 1900 ..... | 2,274,610,000         | \$1,942,496 19   |
| 1901 ..... | 2,239,588,200         | 2,212,779 17     |
| 1902 ..... | 2,440,251,000         | 2,410,883 97     |
| 1903 ..... | 2,657,495,000         | 2,626,590 05     |
| 1904 ..... | 2,772,251,700         | 2,747,721 82     |

The expenses of the company for the years 1900 to 1904, after crediting the net amount received from the Consolidated Gas Company, exclusive of reserves for depreciation, and interest upon funded debt, are as follows:

| YEAR.     | Gas sales as above,<br>cubic feet. | Expenses.      | Cost per 1,000<br>of gas sold. |
|-----------|------------------------------------|----------------|--------------------------------|
| 1900..... | 2,274,610,000                      | \$1,497,109 36 | \$. 658                        |
| 1901..... | 2,239,588,200                      | 1,412,711 29   | . 630                          |
| 1902..... | 2,440,251,000                      | 1,396,107 82   | . 562                          |
| 1903..... | 2,657,495,000                      | 1,371,458 81   | . 506                          |
| 1904..... | 2,772,251,700                      | 1,387,043 98   | . 500                          |

For the purpose of comparison it may be noted that the total amount of gas sold by the New Amsterdam Gas Company, including the amount manufactured for the Consolidated Gas Company in the year 1904, was 6,259,290,300 cubic feet, to wit:

|   | Cubic feet.   |
|---|---------------|
| Gas sold to consumers.....                    | 2,772,251,700 |
| Gas manufactured for Consolidated Gas Company | 3,487,038,600 |
| Total.....                                    | 6,259,290,300 |

The total cost of the production of this amount of gas to the point of distribution, that is, to the point when the part manufactured for the Consolidated Gas Company was taken by it, amounted (as stated by the company's vice-president in his testimony) to 32½ cents per 1,000 cubic feet.

The following is a statement of the net earnings of the company from gas sales for the years 1900 to 1904, its reserves for depreciation and net surplus from such earnings, as shown by its books:

| YEAR.    | Net earnings<br>from gas sales. | Interest on<br>funded debt. | Reserve for<br>depreciation. |          | Net surplus<br>from gas earnings. |
|----------|---------------------------------|-----------------------------|------------------------------|----------|-----------------------------------|
| 1900.... | \$445,386 83                    | \$924,380 56                | .....                        | Deficit. | \$478,993 73                      |
| 1901.... | 800,067 88                      | 954,416 35                  | .....                        | Deficit. | 154,348 47                        |
| 1902.... | 1,014,776 15                    | 971,812 00                  | .....                        | .....    | 42,964 15                         |
| 1903.... | 1,255,131 24                    | 939,289 71                  | .....                        | .....    | 315,841 53                        |
| 1904.... | 1,360,677 84                    | 930,092 28                  | \$205,278 88                 | .....    | 225,306 68                        |

The balance sheet of December 31, 1904, showed a total net deficit in the operations of the company to that date of \$953,496.06.

#### CENTRAL UNION GAS COMPANY.

##### *History.*

The Central Union Gas Company was organized in 1897 and operates in the borough of the Bronx. It has a capital stock of \$3,500,000, bonds outstanding \$3,500,000, and an additional funded debt of \$62,000. All its capital stock, as mentioned above, is held by the New Amsterdam Gas Company.

##### *Properties.*

It owns 7,600 shares of the stock of the Northern Union Gas Company at the par value of \$760,000, which it acquired by the issue of its bonds to the amount of \$250,000.

The book value of its real estate and plant and its material and supplies on December 31, 1904, was as follows:

|  |                              |
|--|------------------------------|
| Plant, rights, franchises and good-will..... | \$6,340,603 79               |
| Real estate .....                            | 187,217 07                   |
| Construction .....                           | 1,425,563 34                 |
| Material and supplies.....                   | 63,680 70                    |
| Total.....                                   | <u><u>\$8,017,064 90</u></u> |

The corresponding items of property appear in its balance sheet of December 31, 1903, at the book value of \$7,778,375.75.

According to its sworn statement, under date of March 10, 1904, presented to the Department of Taxes and Assessments of the city of New York, for the purpose of revising the assessment upon its property, its total gross assets amounted to \$3,515,036.54. This included stock of other corporations, \$250,000, leaving as the

stated value of the remainder \$3,265,036.54. This amount was made up as follows:

|   |                       |
|---|-----------------------|
| Real estate other than franchises.....            | \$1,345,364 72        |
| Franchises as fixed by the State Board, 1903..... | 1,340,000 00          |
| Personal property .....                           | 579,671 82            |
| Total.....  | <u>\$3,265,036 54</u> |

It may be concluded that the property of the company is worth less than the amount of its funded debt. No dividends have been paid upon its stock, save 2½% in the year 1902.

#### *Franchises.*

The only franchises claimed by the company are grants made by certain officers of the towns of Morrisania and West Farms, respectively, to Robert Campbell & Co. of the privilege to lay pipes under the streets of said towns. Each grant provided as follows: "This privilege to be exclusive to them for the term of twenty years from the date hereof and said pipes may be extended from time to time during said term."

The Central Union Gas Company claims under assignment although the grants were not in terms assignable, and apart from this it appears that the franchises have expired by limitation.

In its petition, verified April 17, 1901, to the State Board of Tax Commissioners, the company stated as follows:

"That the said Central Union Gas Company does not now possess any franchise or right to open streets of the city of New York for the laying of its pipes and mains and enjoys no special privilege whatsoever in that behalf."

This statement was repeated in a similar petition in 1902.

#### *Income and Expenses.*

The Central Union Company manufactures gas for the Northern Union Gas Company and the Consolidated Gas Company, receiving cost and ten per cent. additional for services.

The total amount of gas sold and the net proceeds realized, exclusive of sales to these companies, is as follows:

| YEAR.      | Gas sold, cubic feet. | Amount realized. |
|------------|-----------------------|------------------|
| 1900 ..... | 584,794,200           | \$610,926 70     |
| 1901 ..... | 699,240,600           | 719,173 54       |
| 1902 ..... | 847,683,600           | 867,065 04       |
| 1903 ..... | 950,364,800           | 969,608 78       |
| 1904 ..... | 1,010,119,700         | 1,024,237 68     |

The expenses of the company for the years 1900 to 1904, after crediting the net amount received from gas manufactured for other companies, exclusive of interest on bonded debt and reserves for depreciation, are as follows:

| YEAR.     | Gas sales as above,<br>c. f. | Expenses.    | Cost per 1,000 c. f.<br>of gas sold. |
|-----------|------------------------------|--------------|--------------------------------------|
| 1900..... | 584,794,200                  | \$315,192 03 | \$.538                               |
| 1901..... | 699,240,600                  | 403,876 08   | .577                                 |
| 1902..... | 847,683,600                  | 444,766 24   | .524                                 |
| 1903..... | 950,364,800                  | 489,819 26   | .515                                 |
| 1904..... | 1,010,119,700                | 485,054 73   | .480                                 |

The following is a statement of the net earnings of the company from gas sales for these years, its reserves for depreciation, dividends and net surplus from such earning, as shown by its books:

| Year.   | Net<br>earnings from<br>gas sales. | Interest<br>on bonds. | Reserve for<br>depreciation. | Rate of<br>dividends. | Amount of<br>dividends. | Net<br>surplus from<br>gas earnings. |
|---------|------------------------------------|-----------------------|------------------------------|-----------------------|-------------------------|--------------------------------------|
| 1900... | \$295,734 67                       | \$168,850 00          | .....                        | .....                 | .....                   | \$126,884 67                         |
| 1901... | 315,297 46                         | 163,985 96            | \$3,971 98                   | .....                 | .....                   | 147,339 52                           |
| 1902... | 422,298 80                         | 166,138 89            | 4,760 71                     | 2½%                   | \$87,500 00             | 163,899 20                           |
| 1903... | 479,789 52                         | 172,500 00            | 1,025 88                     | .....                 | .....                   | 306,263 64                           |
| 1904... | 539,182 95                         | 172,500 00            | 151,739 20                   | .....                 | .....                   | 214,943 75                           |

#### NORTHERN UNION GAS COMPANY.

##### *History.*

The Northern Union Gas Company was organized in 1897 and also operates in the borough of the Bronx. It has a capital of \$1,500,000 and a funded debt of \$1,250,000. A majority of its stock is owned by the Central Union Gas Company and the remainder by the New Amsterdam Gas Company.

*Properties.*

On December 31, 1904, its balance sheet showed the amount of its real estate, plant, material and supplies at book value to be as follows:

|                             |                        |
|-----------------------------|------------------------|
| Franchise and property..... | \$2,608,629 22         |
| Street Lamps .....          | 150,999 33             |
| Construction .....          | 485,626 45             |
| Stoves and supplies.....    | 7,989 62               |
| Total.....                  | <u>\$33,253,244 62</u> |

As in the case of the New Amsterdam Gas Company and the Central Union Gas Company, no records are in existence furnishing satisfactory evidence of the original cost of the properties included in the franchise and property account. But the corresponding items of property appear in its balance sheet of December 31, 1903, at the book value of \$3,041,483.89. And in March, 1904, the company presented a sworn statement to the Department of Taxes and Assessments of the city of New York, giving its total gross assets as worth \$1,356,313.76, made up as follows:

|                                      |                       |
|--------------------------------------|-----------------------|
| Real estate and other franchise..... | \$576,428 49          |
| Value of franchise.....              | 575,000 00            |
| Personal property .....              | 204,885 27            |
|                                      | <u>\$1,356,313 76</u> |

*Franchises.*

In its petition to the State Board of Tax Commissioners, verified April 17, 1900, the company stated, in the same language as that used by the Central Union Gas Company, that it did not "possess any franchise or right to open streets of the city of New York for the laying of its pipes and mains" and enjoyed "no special privilege whatsoever in that behalf."

In 1902 the Central Union Gas Company attempted to assign to the Northern Union Gas Company the franchise claimed to have been acquired by it under the grant to Robert Campbell & Co. in 1859, already mentioned, so far as it related "to that portion of the former town of West Farms now included in the



Twenty-fourth ward of the borough of the Bronx." There would seem to be no basis for any claim on the part of the Northern Union Gas Company by virtue of this assignment.

It may also be claimed that certain franchises were acquired in 1902 through the merger with the Northern Union Gas Company of the Wakefield Gas Light Company and the Williamsbridge Gas and Electric Light Company for so much of the city as lies within the old towns of East Chester, South Mt. Vernon and Williamsbridge. There is no satisfactory evidence before us as to the performance of the conditions upon which these franchises were granted or as to the right of the Northern Union Gas Company to operate under them.

*Income and Expenses.*

The Northern Union Gas Company buys a considerable amount of gas from the Central Union Gas Company and the amount paid on the basis of cost and ten per cent. figures in its expense account.

The total amount of gas sold, with the net proceeds realized, for the years 1900 to 1904, is as follows:

| YEAR.      | Gas sold, cubic feet. | Amount realized |
|------------|-----------------------|-----------------|
| 1900 ..... | 197,135,000           | \$238,303 76    |
| 1901 ..... | 238,611,100           | 272,220 35      |
| 1902 ..... | 296,908,400           | 319,666 33      |
| 1903 ..... | 363,501,800           | 398,081 07      |
| 1904 ..... | 371,504,900           | 397,050 68      |

The expenses of the company for these years, after deducting the amount paid for gas received from the Central Union Gas Company, exclusive of interest on bonds and reserves for depreciation, are as follows:

| YEAR.      | Gas sales as above.<br>Cubic feet. | Expenses.    | Cost per<br>1,000 c. f.<br>of gas sold. |
|------------|------------------------------------|--------------|---|
| 1900 ..... | 197,135,000                        | \$150,647 52 | \$.764                                  |
| 1901 ..... | 238,611,100                        | 173,065 27   | .725                                    |
| 1902 ..... | 296,908,400                        | 187,090 37   | .630                                    |
| 1903 ..... | 363,501,800                        | 240,284 35   | .661                                    |
| 1904 ..... | 371,504,900                        | 225,951 16   | .608                                    |

The following is a statement of the net earnings of the company from gas sales for the years 1900 to 1904, its interest on bonds, reserve for depreciation, dividends and net surplus from net earnings, as shown by its books:

| Year.   | Net earnings from gas sales. | Interest on bonds. | Reserve for depreciation. | Rate of dividends. | Amount of dividends. | Net surplus from gas earnings. |
|---------|------------------------------|--------------------|---------------------------|--------------------|----------------------|--------------------------------|
| 1900... | \$87,656 24                  | \$62,500 00        | .....                     | .....              | .....                | \$25,156 24                    |
| 1901... | 99,155 08                    | 62,500 00          | .....                     | .....              | .....                | 36,655 08                      |
| 1902... | 132,575 96                   | 62,500 00          | \$3,050 80                | 4%                 | \$60 000             | 7,025 16                       |
| 1903... | 150,796 72                   | 62,500 00          | 3,499 12                  | .....              | .....                | 84,797 60                      |
| 1904... | <u>171,099 52</u>            | <u>62,500 00</u>   | <u>53,503 37</u>          | <u>.....</u>       | <u>.....</u>         | <u>55,096 15</u>               |

## ELECTRIC COMPANIES.

### NEW YORK EDISON COMPANY.

#### *History.*

The New York Edison Company was formed in May, 1901, by the consolidation of the Edison Electric Illuminating Company and the New York Gas and Electric Light, Heat and Power Company.

#### EDISON ELECTRIC ILLUMINATING COMPANY.

This company was organized under chapter 512 of the Laws of 1879. In 1900 there were merged with it the Harlem Lighting Company and the Manhattan Electric Light Company. It has a capital stock of \$9,200,000 and a funded debt of \$6,500,000.

#### NEW YORK GAS AND ELECTRIC LIGHT, HEAT AND POWER COMPANY.

#### (Called The Power Company.)

This corporation was formed in 1898. It acquired the following securities of the companies named:

| COMPANIES.                                    | Stock, par value. | Bonds, par value. | Coupons unpaid. |
|---|-------------------|-------------------|-----------------|
| Mt. Morris Electric Light Co...               | \$1,500,000 00    | .....             | .....           |
| North River Electric Light and Power Co. .... | 400,000 00        | \$100,000 00      | .....           |
| N. Y. Heat, Light and Power Co...             | 375,000 00        | 170,000 00        | .....           |
| Borough of Manhattan Electric Co. ....        | 100,000 00        | .....             | .....           |

| COMPANIES.   | Stock, par value.     | Bonds, par value.     | Coupons unpaid.     |
|--|-----------------------|-----------------------|---------------------|
| Consolidated Tele-<br>graph and Elec-<br>trical Subway<br>Co. .... | \$1,521,200 00        | \$4,225,000 00        | \$884,000 00        |
| Block Lighting and<br>Power Co., No. 1.                            | 98,000 00             | .....                 | .....               |
| Manhattan Light-<br>ing Co. ....                                   | 250,000 00            | 250,000 00            | .....               |
| Yonkers Electric<br>Light and Power<br>Co. ....                    | 190,100 00            | 200,000 00            | 60,000 00           |
| Totals. ....   | <u>\$4,434,300 00</u> | <u>\$4,945,000 00</u> | <u>\$944,000 00</u> |

It also acquired all but a few shares of the stock of the Edison Electric Illuminating Company, and executed a purchase-money mortgage in payment therefor (covering also the other property of the mortgagor), securing an issue of four per cent. bonds to the amount of \$21,000,000 at a rate of \$220 a share for the entire 92,000 shares of the Edison Electric Illuminating Company. By this mortgage it was provided that the sum of \$4,000,000 should be deposited with the trustee to be used exclusively in extensions or betterments of the property of the Edison Electric Illuminating Company.

The Power Company also acquired a piece of real estate at Ninety-seventh street and First avenue, New York city.

For the purpose of acquiring these properties the Power Company, in addition to the bonds above mentioned, issued bonds to the amount of \$7,500,000 and its entire capital stock, \$36,000,000 in par value. The bonds of \$7,500,000 were secured by a mortgage for \$15,000,000, which constituted a first lien upon all the property of the company except the shares of the Edison Electric Illuminating Company. Of the remaining bonds under this mortgage, \$4,000,000 were issued in order to raise the moneys required to be deposited in accordance with the terms of the purchase-money mortgage for \$21,000,000. The remainder of the \$15,000,000 bonds secured by the general mortgage (\$3,500,000) were held in the treasury.

In addition to the bonds purchased by the Power Company, there remained outstanding liens upon the properties of the companies whose stocks were thus acquired as follows:

|   | Bonds outstanding.    |
|---|-----------------------|
| Edison Electric Illuminating Company..... | \$6,500,000 00        |
| Mount Morris Electric Light Company.....  | 988,000 00            |
| Real estate mortgages.....                | 315,000 00            |
| Total.....                                | <u>\$7,803,000 00</u> |

The total funded debt and capital stock of the Power Company thus amounted to \$76,232,883.80, as follows:

|   |                        |
|---|------------------------|
| Capital stock.....  | \$36,000,000 00        |
| First general mortgage bonds<br>(\$15,000,000) issued for purchase of securities.....           | \$7,500,000 00         |
| First general mortgage bonds<br>(\$15,000,000) issued for betterments of Edison properties..... | \$4,000,000 00         |
|   | <u>\$11,500,000 00</u> |
| Purchase-money mortgage (\$21,000,000).....   | 20,929,883 80          |
| Outstanding liens on properties of companies<br>whose stocks had been acquired.....             | 7,803,000 00           |
| Total.....  | <u>\$76,232,883 80</u> |

In 1900 all the companies whose stocks had been acquired, save only the Consolidated Telegraph and Electrical Subway Company, the Yonkers Electric Light and Power Company, and the Edison Electric Illuminating Company, were merged with the Power Company. The stocks of these companies were thus canceled and the title to the properties formerly represented thereby were vested in the Power Company.

Then followed, in 1901, the consolidation of the Edison Electric Illuminating Company with the Power Company under the name of the New York Edison Company. This company was capitalized at \$45,200,000, the aggregate amount of the capital stocks of the two constituent companies; but the value of the

stock of the Edison Company was already represented in the stock of the Power Company, the latter having acquired practically all the shares of the former, that is to say, 91,681 out of 92,000 shares. No additional property was acquired through the consolidation and there was no justification for this addition of \$9,200,000 to an already grossly inflated capital.

The capital stock and funded debt of the New York Edison Company upon its formation was:

|  |                        |
|--|------------------------|
| Capital stock (\$45,200,000), issued.....  | \$45,051,000 00        |
| Funded debt and real estate mortgages..... | 40,232,883 80          |
| Total.....                                 | <u>\$85,283,883 80</u> |

The assets of the New York Edison Company (exclusive of good will), represented by its capital stock and funded debt, amounted at book value to \$34,819,368.60. They are thus stated by the auditor of the company (Exhibit 188):

PHYSICAL ASSETS IN NEW YORK EDISON PLANT AND PROPERTY  
ACCOUNT, MAY 1, 1901.

|   |                        |
|---|------------------------|
| License Edison .....                                | \$3,159,000 00         |
| Edison plants .....                                 | 15,259,162 77          |
| Power Co., plants.....                              | \$5,260,027 21         |
| less credits .....                                  | 13,832 69              |
|   | <u>5,246,194 52</u>    |
| Real estate, Ninety-seventh street.....             | 100,000 00             |
| Subway stock and bonds.....                         | 5,746,200 00           |
| Yonkers stock and bonds.....                        | 390,100 00             |
| Furniture and fixtures, Power Company.....          | 2,009 25               |
| Construction, Bronx .....                           | 95,186 42              |
| Investment .....                                    | 2,191,017 61           |
| General fixtures .....                              | 1,007 50               |
| C. Trust Co., Trustee G. F.....                     | 584,881 77             |
|   | <u>\$32,774,759 84</u> |
| Excess current assets over current liabilities..... | 2,044,608 76           |
|   | <u>\$34,819,368 60</u> |

The item "License Edison, \$3,159,000" covers licenses under patents most if not all of which have expired, and whatever



value it now represents is apparently speculative and is incident to the existence of favorable contracts for the purchase of supplies and the continued use of the name of Edison.

The item of "Edison plants, \$15,259,162.77" included the plant of the Harlem Lighting Company which had been destroyed by fire, save certain overhead conductors subsequently removed by the city, and also covered the property of the Manhattan Electric Light Company which was carried on the books at a value largely in excess of its replacement cost. The statement that was submitted to the referee in the certiorari proceeding to review the franchise assessment in 1901 showed the production value (without allowing depreciation) of the real estate and plant of the Edison Electric Illuminating Company as of June 30, 1900, to be \$6,025,647.27 as against the book value of the same items of \$9,068,634.03, the excess of the book value being \$3,042,986.76.

The item 'Power Company plants, \$5,246,149.52' was the net book value of the plants as they stood upon the books of the five companies which were subsequently merged with the Power Company as above stated as follows:

|   |             |    |
|---|-------------|----|
| Manhattan Lighting Company.....               | \$500,865   | 35 |
| New York Heat, Light and Power Company.....   | 695,000     | 00 |
| North River Electric Light and Power Company. | 1,068,284   | 36 |
| Borough of Manhattan Electric Company.....    | 259,138     | 56 |
| Mt. Morris Electric Light Company.....        | 2,736,738   | 94 |
|   | <hr/>       |    |
|   | \$5,260,027 | 21 |
| Less credits.....                             | 13,832      | 69 |
|   | <hr/>       |    |
|   | \$5,246,194 | 52 |
|   | <hr/>       |    |

Included in the book value of the property of the Mt. Morris Electric Light Company was \$1,100,000 for patents evidently worthless.

The item in the plant and property account New York Edison, May 1, 1901 (above) "subway stock and bonds, \$5,746,200," includes \$4,225,000 of the bonds and debentures and \$1,521,200 of the stock of the Consolidated Telegraph and Electrical Subway Company. This company has never paid dividends and the interest on its bonds is largely in arrears. Its stock is worthless

and was plainly acquired for the purpose of monopoly control. The bonds are also worth much less than par.

It seems that \$1,674,000 were bonds secured by a first mortgage originally issued for construction at 90 and \$1,511,000 were second mortgage bonds originally issued at 60. Apparently the entire lot, with the debentures, was purchased by the syndicate which formed the Power Company at 60 and there is no evidence that they were worth more.

The item "Investment, \$2,191,017.61" covers mainly the shares of the Edison Light and Installation Company and the stock and bonds of the Empire City Subway Company. The Edison Light and Installation Company was a company organized by the Edison Electric Illuminating Company to serve as an agency for the construction of the subways of the Empire City Subway Company occupied by the conductors of the Edison Company. The Edison Electric Illuminating Company received the securities issued in payment for such construction and own the entire stock of the Edison Light and Installation Company amounting to \$1,216,400 in par value, which forms part of the item afore-said. This stock is without value, and the corporation is a mere dummy used by the Edison Company in connection with its work in the construction of subways.

The item "Central Trust Company, Trustee G. F., \$584,381.77" refers to the unexpended balance of the \$4,000,000 of bonds, the proceeds of which were to be expended in betterments of the property of the Edison Electric Illuminating Company in accordance with the terms of the purchase-money mortgage under which the stock of that company was acquired by the Power Company.

To make a proper estimate of the value of the assets of the New York Edison Company, exclusive of good will at the time of its formation, it would seem that the following deductions should be made:

Total book value of assets May 1, 1901, as above. . . \$34,819,368 60

Deduct:

License Edison . . . . . \$3,159,000 00

Difference between book value

and reproduction value of in-

side properties of Edison Elec-

tric Illuminating Company. . . 3,042,986 76

|  |                 |               |
|--|-----------------|---------------|
| Patents, Morris Electric Light Company .....                     | \$1,100,000 00  |               |
| Stock Consolidated Telegraph and Electrical Subway Company ..... | 1,521,200 00    |               |
| Bonds, same company, excess over 60% of par value.....           | 1,690,000 00    |               |
| Stock, Edison Light and Installation Company .....               | 1,216,400 00    |               |
|  | <hr/>           | 11,729,586 76 |
| Leaving as the value of the property.....                        | \$23,089,781 84 | <hr/> <hr/>   |

The testimony is that since its organization the plant, property and investments of the New York Edison Company were increased to December 31, 1904, to the extent of \$11,270,123.89, making the present value of its property, without allowing for depreciation, \$34,359,905.73 as follows:

|                               |                 |
|-------------------------------|-----------------|
| Value May 1, 1901.....        | \$23,089,781 84 |
| Increase .....                | 11,270,123 89   |
|                               | <hr/>           |
| Total, December 31, 1904..... | \$34,359,905 73 |
|                               | <hr/> <hr/>     |

Of the increase, \$2,021,194.44 is represented by subway securities.

In other words, exclusive of alleged good will and franchises, the property of the New York Edison Company upon any reasonable valuation appears to be worth much less than the amount of its funded debt.

#### *Franchises.*

The New York Edison Company claims perpetual franchises under various grants made to its constituent companies of the right to lay and maintain conductors in the streets.

#### *Control of Company.*

It will be remembered that the Consolidated Gas Company had acquired the entire stock of the Power Company (\$36,000,000), first issuing debentures therefor, which were returned by the issue

of \$15,517,200 in par value of its own capital stock. Upon the consolidation forming the New York Edison Company the stock of the Power Company was exchanged for the stock of the new company at the rate of 1.25111 per share. The Consolidated Gas Company now owns \$45,041,000, or all but 100 shares of the issued stock. No dividends have been paid upon this stock and it is impossible to assign to it any substantial value.

### *Income and Expenses.*

The net profits of the business, after payment of interest on the funded debt, for the past five years have amounted to \$10,521,302.04. All the repairs necessary to maintain the plant in the highest degree of efficiency have been charged to operating expenses. The net profits for each year, after payment of the funded debt, are as follows:

| YEAR.          | Net profits.    |
|----------------|-----------------|
| 1900 . . . . . | \$904,005 89    |
| 1901 . . . . . | 1,245,560 56    |
| 1902 . . . . . | 2,298,966 80    |
| 1903 . . . . . | 2,611,611 84    |
| 1904 . . . . . | 3,460,856 95    |
|                | <hr/>           |
|                | \$10,521,302 04 |
|                | <hr/>           |

### *Cost and Profit.*

The average cost of producing and distributing current, including all necessary repairs, for the past five years has been 4.500 cents per kilowatt hour. The cost has gradually decreased from 5.053 cents per kilowatt hour in 1900 to 3.664 cents in 1904. The income, cost and net earnings per kilowatt hour on current sold for each year is given in the following table:

| YEAR.             | Income, cents. | Cost, cents. | Net earnings cents. |
|-------------------|----------------|--------------|---------------------|
| 1900 . . . . .    | 9.694          | 5.053        | 4.641               |
| 1901 . . . . .    | 9.505          | 4.858        | 4.647               |
| 1902 . . . . .    | 9.211          | 4.703        | 4.508               |
| 1903 . . . . .    | 8.636          | 4.223        | 4.413               |
| 1904 . . . . .    | 8.042          | 3.664        | 4.378               |
|                   | <hr/>          | <hr/>        | <hr/>               |
| Average . . . . . | 9.017          | 4.500        | 4.517               |
|                   | <hr/>          | <hr/>        | <hr/>               |

The amounts paid out of earnings for interest upon funded debt and the net surplus per kilowatt hour are as follows:

| YEAR.             | Net earnings,<br>cents. | Interest on fund-<br>ed debt, cents. | Net surplus<br>cents. |
|-------------------|-------------------------|--------------------------------------|-----------------------|
| 1900.....         | 4.641                   | 3.47                                 | 1.171                 |
| 1901.....         | 4.647                   | 2.89                                 | 1.757                 |
| 1902.....         | 4.508                   | 2.39                                 | 2.118                 |
| 1903.....         | 4.413                   | 2.00                                 | 2.413                 |
| 1904.....         | 4.378                   | 1.663                                | 2.715                 |
| Average . . . . . | 4.517                   | 2.4826                               | 2.035                 |

### *Charges for Current.*

The New York Edison has several schedules of rates, a retail schedule, two wholesale schedules, a special schedule and a separate schedule exclusively for power.

Of the total amount received for current sold in the Borough of Manhattan in 1904 (\$8,991,635) approximately 49%, or \$4,371,046.54 was received under the retail schedule. This schedule provides for a rate of fifteen cents per kilowatt hour for first and second hours' average daily use of equipment and a reduced rate for additional hours' use. The rate for the first and second hours' use, however, is based upon a scheduled capacity of the consumption of the lights installed and the rate is not lowered until the consumption has reached the equivalent of two hours' use of all such lights. It may also be observed that it would be necessary for the consumer to use all his lights for seven hours each in order to have an average rate of ten cents per kilowatt hour under this schedule. The average amount paid under the retail schedule in the Borough of Manhattan in 1904 was 12.27 per kilowatt hour.

The two wholesale schedules provide for lower rates upon an agreed minimum monthly consumption of 2,000 and 2,500 kilowatt hours, respectively, with an average daily use of not less than two hours. The maximum wholesale rate upon this basis is ten cents per kilowatt hour, with lower rates and discounts for increased consumption.

The special wholesale rate on the basis of an agreed monthly use of not less than 10,000 kilowatt hours is five cents per kilo-



watt hour for the first 15,000 K. W. H., and lower rates for increased consumption, reaching as low as three cents for excess over 50,000 K. W. H. It is further provided that suitable space shall be furnished without rental charge for such service and converting apparatus as the company may consider for the installation. It may be proper to say that the low rates maintained under the special wholesale schedule serve the purpose of meeting the demands of consumers who otherwise might install private plants.

Current for power is also furnished under the schedules above mentioned, the separate schedule for power exclusively having a maximum rate of ten cents per horse power hour, with a sliding scale of discounts according to consumption, the highest discount being fifty per cent. on monthly bills for 1,500 horse power hours and over.

We have already noted that the average rate paid for all current supplied by the company in 1904 was 8.042 per kilowatt hour against an actual cost of 3.664, which covered all the expenses of the company in producing and distributing the current, all necessary repairs, all general expenses and all outlays whatever except the payment of interest upon the funded debt.

## THE UNITED ELECTRIC LIGHT AND POWER COMPANY.

### *History.*

This company was formerly the New York Safety Electric Light and Power Company, and in 1889 its name was changed to the United Electric Light and Power Company. Its capital stock is \$1,649,500 par value preferred shares, and \$3,697,100 par value common shares, making a total of \$5,346,600. It has a funded debt of \$4,838,000. More than nine-tenths of the stock and almost all the bonds of the company are held by the Consolidated Gas Company.

### *Properties.*

The United Electric Light and Power Company owns 9,940 shares of the Brush Electric Illuminating Company, 2,000 shares of the Consolidated Telegraph and Electrical Subway Company, five \$1,000 bonds of the New York Gas Electric Light, Heat and Power Company, and other securities, making a total in book value of \$1,052,600.75.

As the shares of the Brush Electric Illuminating Company and of the Consolidated Telegraph and Electrical Subway Company are worthless, the actual value represented by this item is less than \$10,000. The book value of its plant account December 31, 1904, is \$10,197,900.36, made up as follows:

|                                   |              |    |
|-----------------------------------|--------------|----|
| Patents, licenses and rights..... | \$6,069,422  | 94 |
| General construction.....         | 2,417,805    | 57 |
| Machinery and fixtures.....       | 1,197,319    | 22 |
| Real estate and buildings.....    | 548,486      | 78 |
| Office furniture.....             | 7,301        | 59 |
| Tools .....                       | 10,915       | 31 |
| Automobiles .....                 | 21,648       | 95 |
| <hr/>                             |              |    |
| Total.....                        | \$10,272,900 | 36 |
| Less depreciation.....            | 75,000       | 00 |
| <hr/>                             |              |    |
|                                   | \$10,197,900 | 36 |
| <hr/>                             |              |    |

Of the first items "Patents, Licenses and Rights," \$3,500,000 represents discount on bonds sold and expenses of reorganization, and the remainder represents alleged patent rights, franchises, etc.

The actual value of the properties of the company may be gathered from the statement made by it to the department of taxes and assessments of the city of New York under date of March 1, 1905, of which the total gross assets are stated to be of the value of \$5,065,172.85. The items composing this valuation, as testified to by the treasurer of the company, who verified the statement, are as follows:

*December 31, 1904.*

|                             |             |    |
|-----------------------------|-------------|----|
| General construction.....   | \$2,417,805 | 57 |
| Machinery and fixtures..... | 1,197,319   | 22 |
| Office furniture.....       | 7,301       | 59 |
| Tools .....                 | 10,915      | 31 |
| Automobiles .....           | 21,648      | 95 |
| <hr/>                       |             |    |
|                             | \$3,654,990 | 64 |
| Allow 25%.....              | 913,747     | 66 |
| <hr/>                       |             |    |
|                             | \$2,741,242 | 98 |

|  |           |                |
|--|-----------|----------------|
| Add, Real estate and buildings.....      | \$548,486 | 78             |
| Stock of other companies.....            | 1,047,744 | 50             |
| Brush Electric Illuminating Company..... | 358,110   | 40             |
| Insurance ind.....                       | 4,856     | 25             |
| Accounts receivable.....                 | \$254,529 | 68             |
| Cash .....                               | 59,163    | 66             |
| Materials and supplies.....              | 51,038    | 60             |
|  |           | <hr/>          |
|  |           | 364,731 94     |
|  |           | <hr/>          |
|  |           | \$5,065,172 85 |
|  |           | <hr/> <hr/>    |

This statement includes at least \$1,040,000 as the value of stocks of other companies which are in fact worthless, and a valuation of the plant and property of the company, exclusive of franchises and good will, at the sum of \$4,000,000.

The company claims to hold a franchise granted to it under its former name, the New York Safety Electric Light and Power Company, and also under franchise granted to the United States Illuminating Company, a corporation merged with it in 1902.

### *Income and Expenses.*

The rates of charges are the same as those of the New York Edison Company. The gross earnings are relatively small, averaging approximately \$1,000,000 yearly. The earnings and total expenses, including depreciation charged off upon the books, but not including interest upon the funded debt, per kilowatt hour sold, are as follows:

| YEAR.      | Gross earnings, per<br>K.W. hour, cents. | Cost per K. W.<br>hour sold, cents. | Net earnings,<br>cents. |
|------------|--|-------------------------------------|-------------------------|
| 1900 ..... | 9.49                                     | 9.00                                | .49                     |
| 1901 ..... | 9.33                                     | 6.36                                | 2.97                    |
| 1902 ..... | 9.24                                     | 6.12                                | 3.12                    |
| 1903 ..... | 9.48                                     | 5.64                                | 3.84                    |
| 1904 ..... | 9.45                                     | 6.24                                | 3.21                    |
|            | <hr/>                                    | <hr/>                               | <hr/>                   |

The net earnings and interest upon the funded debt per kilowatt hour sold are:

| YEAR.      | Net earnings per<br>K.W. hour, cents. | Interest on funded<br>debt, cents. |         | Net surplus,<br>cents. |
|------------|---------------------------------------|------------------------------------|---------|------------------------|
| 1900 ..... | .49                                   | 3.20                               | Deficit | 2.71                   |
| 1901 ..... | 2.97                                  | 2.80                               | Surplus | .17                    |
| 1902 ..... | 3.12                                  | 2.58                               | Surplus | .54                    |
| 1903 ..... | 3.84                                  | 2.39                               | Surplus | .145                   |
| 1904 ..... | 3.21                                  | 2.27                               | Surplus | .94                    |
|            | <u>          </u>                     | <u>          </u>                  |         | <u>          </u>      |

#### BRUSH ELECTRIC ILLUMINATING COMPANY.

##### *History.*

This company was organized in 1881. It has a capital stock of \$1,000,000 and a funded debt of \$275,000. Substantially all its stock is held by the United Electric Light and Power Company and its bonds are owned by the Consolidated Gas Company.

##### *Properties.*

The book value of its real estate and plant, December 31, 1904, was \$1,437,534.97.

In its report to the Department of Taxes and Assessments, dated March 1, 1905, its total gross assets, exclusive of franchise, was stated to be \$808,126.96, made up of real estate \$147,824.96 and personal property \$660,302.10.

Against these assets it owed, as appears by the same statement:

|                           |                             |
|---------------------------|-----------------------------|
| Accounts payable .....    | \$455,436 21                |
| First mortgage bonds..... | 275,000 00                  |
|                           | <u>                    </u> |
| Total .....               | \$730,436 21                |
|                           | <u>                    </u> |

##### *Franchises.*

It claims a direct franchise to lay and maintain conductors, granted in 1881.

##### *Income, Expenses, etc.*

Its income in 1904 was \$121,470.44 and its expenses, including interest on bonds and the item of \$25,000.00 for depreciation amounted to \$113,049.71.

It has paid no dividends and its interest has been in arrears since 1902.

The company is not now operating its own plant, but the New York Edison Company is supplying the customers of the Brush Company under an operating agreement. The plant of the Brush Company has been abandoned and most of its apparatus and machinery sold. The conductors have been withdrawn from the ducts and most of them have been disposed of as scrap.

## GAS AND ELECTRIC COMPANIES.

### *Westchester Lighting Company.*

This company, whose entire capital stock has recently been acquired by the Consolidated Gas Company in the manner already stated, operates chiefly in Westchester county, having only a small business in the northern part of the city of New York.

### *Bronx Gas and Electric Company.*

This company was organized in the year 1893 and claims franchises in that section of the borough of the Bronx lying east of the Bronx river, formerly the old town of Westchester. Its issued capital stock is \$270,500.00 and its funded debt amounts to \$495,000.00.

Its property is as follows:

|                         |              |
|-------------------------|--------------|
| Real estate .....       | \$210,950 00 |
| Personal property ..... | 131,575 24   |
|                         | <hr/>        |
| Total .....             | \$342,525 70 |
|                         | <hr/> <hr/>  |

Its business is comparatively small and its gas and electric departments are operated under one management. Its gross electric receipts for the past two years average about 8.3 cents per kilowatt hour, and it sells gas at the rate of \$1.15 per thousand cubic feet. It pays its bond interest, and its dividends were at the rate of 5% in 1903 and 6% in 1904.

## SUBWAY COMPANIES.

### *Consolidated Telegraph and Electrical Subway Company.*

By chapter 534 of the Laws of 1884 provision was made for the placing of electrical conductors under ground, and by chapter 499 of the Laws of 1885, as amended by chapter 503 of the Laws



of 1886, authority was given for the appointment of Boards of Commissioners in cities to which the act applied, who should be charged with the responsibility of its enforcement.

The Consolidated Telegraph and Electrical Subway Company was incorporated in 1885, and on July 22, 1886, entered into a contract with the Commissioners appointed in the city of New York which was supplemented by a further contract dated April 7, 1887. The company undertook to build and maintain such subways as might be required for electrical conductors and to furnish the capital necessary for the purpose, not less than \$3,000,000.00. The construction of the subways was to be made under the supervision of the Commissioners, and the rentals were to be subject to their control. Apt clauses were inserted to insure fair and equal treatment to all companies requiring space in the subways. The city of New York was permitted to use such space as it might need for its electrical conductors free of charge. The contract of April 7, 1887, further provided:

“VI. Whenever the net annual profits of the party of the second part remaining after the payment of the expenses of maintaining and operating such subways shall exceed ten per cent. upon the actual cash capital invested by it in providing, constructing and equipping such subways, then the excess of such profit over the ten per cent. shall be paid into the treasury of the city of New York, but if in any year or years prior to the earning of such excess the earnings of the party of the second part shall not have equaled ten per cent., then the party of the second part shall be first entitled to recoup itself out of such excess for the difference between the actual annual earnings and the said ten per cent., the intention hereof being that no payment shall be made to the city of New York out of such excess of earnings until the party of the second part shall first have actually earned and received ten per cent. for each year thereafter.”

The company further agreed to keep accurate books of account open to the inspection of the Commissioners and their successors and of the Comptroller of the city, showing the amount of space in the subways occupied, the number and kind of electrical conductors therein, with the names of the owners, the gross and net amount in detail of rentals and all payments of every kind made by the company, specifying in detail and separately to whom each

payment was made, "so that it may be determined whether the same is chargeable to the cost of construction or of maintenance."

In case of a substantial failure by the company to carry out the provisions of their agreement and an adjudication to this effect by a competent judicial authority, it was provided that the city should be entitled to enter into possession of the subways and that the company "subject to any valid mortgages or liens then thereon outstanding not exceeding fifty per cent. of the actual cost of such subways and all leases or contract then existing for the use thereof as hereinbefore provided" should forfeit its interest in such subways and should peaceably surrender the same to the city. (Par. xii.)

The agreement also contemplated the acquisition of all or any of the subways by the city and of all or any of the contracts or other property of the company, "subject, however, to all leases, mortgages or contracts heretofore lawfully made within the limitations imposed by section 12 of this contract," upon the demand of the Commissioners of the Sinking Fund and on payment of not less than the cost thereof, or in case the company had not earned ten per cent. per annum on actual cost, on the payment of a sum in addition to the cost not exceeding ten per cent. thereof to the extent of such deficiency in annual earnings.

Pursuant to chapter 716 of the Laws of 1887, the Board of Electrical Control succeeded the Board of Commissioners of Electrical Subways in the city of New York and the agreements made between the Consolidated Telegraph and Electrical Subway Company and the Commissioners were duly confirmed.

Both the letter and the spirit of these contracts have been violated by the Consolidated Telegraph and Electrical Subway Company.

Instead of securing the necessary capital and constructing subways itself, it entered into contracts for their construction with the Phoenix Construction Company, a corporation to which it was closely allied.

The Phoenix Construction Company agreed to construct 800 miles of duct for \$2,500,000, or, at the option of the company, at cost and fifteen per cent. additional. It proceeded with the work of construction until 1891, building upwards of 900 miles of high-tension and low-tension ducts and upon the final settlement was

paid in stock and bonds of the Subway Company. First mortgage bonds to the amount of \$2,375,000 were taken by the construction company at ninety per cent. and second mortgage bonds to the amount of \$2,375,000 at sixty per cent. The discount on the bonds amounting to \$1,187,500 together with the fifteen per cent. profit of the construction company were treated as a part of the cost of construction and so reported to the Comptroller.

For the stock of the subway company only \$40,000 was received in cash, \$732,500 being issued for patents and \$1,102,500 as a part of the payment made to the Phoenix Construction Company.

By chapter 231 of the Laws of 1891 the Board of Electrical Control was authorized with the consent of the Consolidated Telegraph and Electrical Subway Company, to enter into new contracts with the said company and with the Empire City Telegraph and Electrical Subway Company, Limited, providing for the division of the work of constructing and maintaining subways so that the Consolidated Telegraph and Electrical Subway Company should retain and proceed with the construction and maintenance of subways for high-tension conductors; and the Empire City Subway should take over and proceed with the construction and maintenance of subways for low-tension conductors. Accordingly, on May 15, 1891, contracts were entered into between the Board of Electrical Control and the subway companies respectively providing for such division.

In taking over the low-tension subways the Empire City Subway Company assumed the payment of \$2,500,000 of the bonds of the Consolidated Telegraph and Electrical Subway Company which had been issued to the Phoenix Construction Company, the proportion of discount upon the bonds being treated as a part of the cost of the construction of these subways.

The total cost of construction of all the subways to December 31, 1890, was reported to the Comptroller as amounting to \$8,317,795.74 of which there was credited by transfer to the Empire City Subway Company \$3,675,633.25, leaving as the reported cost of the high-tension subways retained by the Consolidated Telegraph and Electrical Subway Company \$4,660,162.49. This amount not only included the loss on bonds issued at less than par and the fifteen per cent. profit of the Phoenix Construction Company, and interest on deferred payments but also ap-

parently included the profits of subcontractors by which the work was actually done.

On March 26, 1891, the Consolidated Telegraph and Electrical Subway Company entered into a contract with the Empire City Subway Company for the construction of high-tension subways for the former on a basis of cost and fifteen per cent.

The Empire Subway Company worked under this contract for a little over a year and was paid in bonds in the same manner as the Phoenix Company, that is to say, in first mortgage bonds at ninety per cent. and in second mortgage bonds at sixty per cent. of their par value, the discount being treated as a part of the cost of construction. In July, 1892, the Empire Subway Company assigned its contract for the construction of high-tension subways to the Union Subway Construction Company, which built subways for the Consolidated Telegraph and Electrical Subway Company until 1898, receiving its compensation in debentures at par of the Consolidated Telegraph and Electrical Subway Company.

In 1899 the New York Gas and Electric Light, Heat and Power Company purchased the greater part of the stock, and \$4,225,000.00 of the bonds and debentures of the Consolidated Telegraph and Electrical Subway Company, with unpaid coupons attached, thus acquiring absolute control at the same time that it secured the ownership of the various electric light and power companies in the Boroughs of Manhattan and the Bronx, the absolute control of the high-tension subway system.

Since that time the Power Company and its successor, the New York Edison Company, have supplied the moneys for the construction of additional subways, receiving therefor the debentures of the Consolidated Telegraph and Electrical Subway Company.

The company claims to have constructed to the end of the year, 1904, 1,452 miles of ducts exclusive of those transferred to the Empire City Subway Company at a cost of \$8,980,418.35.

The accounts of the company have not been kept in the manner required by its contract with the city. The books do not show the actual cost of construction within the meaning of the contract, nor have proper statements been furnished to the Comptroller. The cost per mile as given by the company in different years' exhibits extraordinary variations; and the testimony taken



by the Committee have revealed many discrepancies in the various statements of cost which have not been satisfactorily explained. Certain statements have been made to the Comptroller professing to give the actual cost of construction which do not in fact state such cost and were apparently prepared with the deliberate intention of inducing the belief on the part of the municipal officers that there had been an actual cash outlay which in fact had not been made. The transactions of the company show an utter disregard of its obligations.

Rentals have been charged at the rate of \$1,000.00 per mile per annum for three-inch ducts. It would seem that no attention has been paid to the requirement of the contract that the excess of earning over ten per cent. of the *actual cash capital invested* by the company in providing, equipping and constructing such subways should be paid to the city. The rights of the city in this respect can only be determined through a judicial accounting. A suit brought by the city is now pending for the purpose of obtaining such an accounting and also to have the rights of the subway company declared forfeited by the reason of its failure to perform its contract.

It may be added that the intention of the act providing for the construction and operation of the subways and the purpose of the contract has to a large extent been defeated by the passing of the subways constructed by this company into the absolute control of a monopoly embracing the entire lighting industry of the boroughs of Manhattan and the Bronx.

Pending the acquisition of the subways by the city, which is most desirable, the situation calls for the most effective supervision of the operations of the company.

#### EMPIRE CITY SUBWAY COMPANY.

The Empire City Subway Company was organized in 1890, and pursuant to contract of May 15, 1891, took over, in the manner already explained, the low-tension ducts built by the Consolidated Telegraph and Electrical Subway Company. Its contract contained similar provisions to the contract with the Consolidated Company, for the keeping of proper accounts, for the payment to the city of earnings in excess of ten per cent. of the actual cash capital invested for forfeiture in case of breach of contract, and for purchase by the city at its option. Since that time it



has constructed and maintained such low-tension ducts as have been required. They are used for telegraph and telephone conductors and for the low-tension conductors of the New York Edison Company.

The Edison Electric Illuminating Company originally built such ducts as it required, for the Empire City Subway Company, through the medium of the Edison Light and Power Installation Company, and this practice has been continued by its successor, the New York Edison Company, to some extent, although it appears that at present the new low-tension ducts required by that company are built by the Consolidated Telegraph and Electrical Subway Company. The low-tension ducts which were built by the Edison Electric Illuminating Company and its successor for the Empire City Subway Company have been paid for in bonds and stock of the Empire Company, and the New York Edison Company now holds \$493,000 of the bonds of the Empire Company and 5,120 shares of its stock. Upon these it receives interest and dividends.

About ten years ago an agreement was made between the Empire City Subway Company and the Edison Electric Illuminating Company by which the latter undertook to maintain the ducts used by it for the sum of \$200 per mile of duct per year. This arrangement has been continued and is now in force with the New York Edison Company. This payment under ordinary conditions is very largely in excess of the amount required to be expended for maintenance, and the New York Edison Company charges as a part of its expenses for maintenance the cost of conductors replaced. Through this method and by the interest and dividends it received upon the bonds and stock issued in payment for construction, the New York Edison Company secures in effect an offset to a large extent against the rentals paid for the use of the Empire Subways. The result is that the net amount that it pays is substantially equivalent to the interest upon the investment it would have made if it had built and owned its own subways.

Suit has also been brought by the city against the Empire City Subway Company for an accounting in order to determine the amounts due to the city and also to enforce the provision for forfeiture on the ground of breach of its contract obligations.

## BOROUGHES OF BROOKLYN, QUEENS AND RICHMOND.

The gas and electric companies in these boroughs are:

The Brooklyn Union Gas Company, controlling—

The Woodhaven Gas Light Company,

The Flatbush Gas Company,

The Newtown Gas Company,

The Richmond Hill and Queens County Gas Light Company, and

The Jamaica Gas Light Company.

The East River Gas Company of Long Island City, controlled by—

New Amsterdam Gas Company (above).

The Kings County Electric Light and Power Company, controlling—

The Edison Electric Illuminating Company of Brooklyn.

The Kings County Lighting Company.

The Brooklyn Borough Gas Company.

The Newtown and Flushing Gas Company.

The Queens Borough Gas and Electric Company.

The New York and Queens Electric Light and Power Company.

The New York and Richmond Gas Company.

The Richmond Light and Railroad Company.

## BROOKLYN UNION GAS COMPANY.

This company was organized in 1895; it has a capital of \$15,000,000, first mortgage bonds, \$15,000,000, and six per cent. convertible debentures, \$3,000,000.

Upon its organization it acquired by purchase, subject to existing mortgages, all the properties of the following companies previously engaged in the business of making and selling gas in the city of Brooklyn, to wit:

Brooklyn Gas Light Company,

Fulton Municipal Gas Company,

Metropolitan Gas Light Company,

Citizens' Gas Company,

Williamsburgh Gas Light Company,

People's Gas Light Company, and

Nassau Gas Light Company.

The combined capital stock of these companies was \$9,970,000, and their outstanding bonds amounted to \$3,900,000. By the terms of purchase the Brooklyn Union Gas Company reserved \$3,900,000 of its bonds to retire the outstanding bonds of the original companies and \$500,000 more of its bonds for betterments, and issued its remaining bonds, to wit, \$10,600,000 and its capital stock, \$15,000,000, making an aggregate of \$25,600,000 for the properties represented by stocks of the par value of \$9,970,000.

The stock and bonds of the original companies and the distribution of the stock and bonds of the Brooklyn Union Gas Company are shown in the following table:

| NAME.  | Shares, par value.   | Outstanding bonds,<br>par value. |
|--|----------------------|----------------------------------|
| Brooklyn Gas Light Company..                   | \$2,000,000 00       | .....                            |
| Citizens' Gas Company.....                     | 1,750,000 00         | \$1,250,000 00                   |
| Fulton Municipal Gas Company,                  | 2,100,000 00         | 300,000 00                       |
| Metropolitan Gas Light Com-<br>pany . . . . .  | 870,000 00           | 250,000 00                       |
| Nassau Gas Light Company....                   | 1,250,000 00         | 600,000 00                       |
| People's Gas Light Company...                  | 1,000,000 00         | 500,000 00                       |
| Williamsburgh Gas Light Com-<br>pany . . . . . | 1,000,000 00         | 1,000,000 00                     |
|  | <hr/> \$9,970,000 00 | <hr/> \$3,900,000 00             |
|  | <hr/>                | <hr/>                            |

| NAME.  | BROOKLYN UNION COMPANY SECURITIES<br>ISSUED IN PAYMENT. |                       |
|--|---|-----------------------|
|  | Stock.  | Bonds.                |
| Brooklyn Gas Light Company..                   | \$1,950,000 00  | \$1,885,000 00        |
| Citizens' Gas Company.....                     | 1,500,000 00  | 200,000 00            |
| Fulton Municipal Gas Company,                  | 2,850,000 00  | 2,455,000 00          |
| Metropolitan Gas Light Com-<br>pany . . . . .  | 1,500,000 00  | 1,200,000 00          |
| Nassau Gas Light Company....                   | 3,150,000 00  | 2,445,000 00          |
| People's Gas Light Company...                  | 900,000 00  | 370,000 00            |
| Williamsburgh Gas Light Com-<br>pany . . . . . | 3,150,000 00  | 2,045,000 00          |
|  | <hr/> \$15,000,000 00                                   | <hr/> \$10,600,000 00 |
|  | <hr/>   | <hr/>                 |

| NAME.  | BROOKLYN UNION COMPANY BONDS<br>RESERVED. |                    |
|--|---|--------------------|
|  | To retire outstanding bonds.              | For betterments.   |
| Brooklyn Gas Light Company.. . . . .           |   | \$65,000 00        |
| Citizens' Gas Company.....                     | \$1,250,000 00                            | 50,000 00          |
| Fulton Municipal Gas Company.                  | 300,000 00                                | 95,000 00          |
| Metropolitan Gas Light Com-<br>pany . . . . .  | 250,000 00                                | 50,000 00          |
| Nassau Gas Light Company....                   | 600,000 00                                | 105,000 00         |
| People's Gas Light Company...                  | 500,000 00                                | 30,000 00          |
| Williamsburgh Gas Light Com-<br>pany . . . . . | 1,000,000 00                              | 105,000 00         |
|  | <hr/> \$3,900,000 00                      | <hr/> \$500,000 00 |

The books were opened under the supervision of a bookkeeper (since deceased), an employee of the Consolidated Gas Company, and an exact comparison between the new entries and the valuations on the books of the constituent companies is not obtainable. But the evidence shows that the book values of the properties acquired largely increased. For example there were added between \$4,000,000 and \$5,000,000 to the book value of the street mains for rights in the streets, about \$5,000,000 for good will, and an additional \$3,050,000 for the rights of the constituent companies to "make and sell gas," or an aggregate increase in valuation of about \$13,000,000. There is the additional fact that the mains and services were old and had greatly depreciated. It is evident that the capital stock of the Brooklyn Union Gas Company, to a very large extent, to say the least, did not represent value.

#### *Franchises.*

The Brooklyn Union Gas Company claims the right to lay and maintain mains in streets under grants made to the original companies. Many of these grants applied only to particular districts. Although the transfers made by the companies to the Brooklyn Union Gas Company in 1895 purported to convey all their franchises and rights, many of these were not in terms assignable, and it is a serious question to what extent the Brooklyn Union Gas Company is lawfully exercising rights in the streets of the borough. It is evident that the matter should at an early date be made a subject of judicial inquiry upon proper action taken by the municipal authorities.



*Stocks and Bonds of Other Companies.*

The Brooklyn Union Gas Company has acquired the entire capital stock and certain bonds of the companies named below, which are carried upon the books of the Brooklyn Union Gas Company at the following amounts:

|   | Book value.    |
|---|----------------|
| 200 shares Woodhaven Gas Light Company.....                             | \$20,000 00    |
| 4,000 shares Flatbush Gas Company.....                                  | 372,771 64     |
| Bonds Flatbush Gas Company.....   | 35,700 00      |
| 2,500 shares Equity Gas Light Company.....                              | 318,065 56     |
| Bonds Equity Gas Light Company.....                                     | 250,000 00     |
| 10,000 shares Richmond Hill and Queens County<br>Gas Light Company..... | 26,758 86      |
| 600 shares Newtown Gas Company.....                                     | 60,000 00      |
| Bonds Newtown Gas Company.....  | 61,500 00      |
| 2,000 shares Jamaica Gas Light Company.....                             | 145,000 00     |
|   | <hr/>          |
|   | \$1,289,796 06 |
|   | <hr/>          |

The book values of these securities are stated to be the amounts actually paid therefor in cash.

All these companies, with the exception of the Equity Gas Light Company, are still operating. The Equity Gas Light Company transacts no business, its properties being held and operated directly by the Brooklyn Union Gas Company. In the case of the other companies the Brooklyn Union Gas Company supplies the gas which they distribute to the consumers.

*Income, Expenses and Profits.*

The total amount of gas sold, with the net proceeds realized (including sales to its subsidiary companies which were made at the rate of sixty cents per 1,000 cubic feet) for the years 1901 to 1904, are as follows:

| YEAR.          | Gas sold, c. f. | Amount realized. |
|----------------|-----------------|------------------|
| 1901 . . . . . | 4,738,536,493   | \$4,676,567 68   |
| 1902 . . . . . | 5,340,869,683   | 5,243,188 77     |
| 1903 . . . . . | 6,119,002,436   | 5,992,516 63     |
| 1904 . . . . . | 6,650,377,184   | 6,534,611 41     |
|                | <hr/>           | <hr/>            |
|                | 22,848,785,796  | \$22,446,884 49  |
|                | <hr/>           | <hr/>            |



The expenses of the company showing the total cost of the gas produced in holders, including repairs at works, the rate of cost in holders per 1,000 cubic feet of gas sold, the expenses of distribution (including general expenses, salaries, general repairs, taxes, insurance and all outlays except interest on funded debt) and the total cost per 1,000 cubic feet of gas sold are as follows:

| YEAR.      | Cost in holders. | Rate per<br>1,000 c. f. of<br>Cost in holders,<br>cents | Cost of distribution<br>including all<br>other outlays. |
|------------|------------------|---|---|
| 1901 ..... | \$1,746,133 30   | 36.85   | \$1,019,085 79  |
| 1902 ..... | 2,379,291 97     | 44.55   | 1,047,419 68  |
| 1903 ..... | 2,623,988 12     | 42.88   | 1,078,972 38  |
| 1904 ..... | 2,722,984 74     | 40.94   | 1,222,222 30  |
|            | <hr/>            |   |   |
|            | \$9,472,398 13   |   | \$4,367,700 15  |
|            | <hr/>            |   | <hr/>   |

| YEAR.      | Rate of dis-<br>tribution cost<br>per 1,000 c. f.<br>cents. | Total cost.     | Rate of total cost<br>per 1,000 c. f.<br>of gas sold,<br>cents. |
|------------|---|-----------------|---|
| 1901 ..... | 21.51   | \$2,765,218 99  | 58.36   |
| 1902 ..... | 19.60   | 3,426,711 65    | 64.15   |
| 1903 ..... | 17.64   | 3,702,960 50    | 60.52   |
| 1904 ..... | 18.38   | 3,945,207 04    | 59.32   |
|            | <hr/>   |                 |   |
|            |   | \$13,840,098 18 |   |
|            | <hr/>   | <hr/>           | <hr/>   |

The following is a statement of the net earnings of the company from gas sales for the years 1901 to 1904, its interest on funded debt, dividends, and net surplus from such earnings as shown by its books:

| YEAR.      | Net earnings.  | Interest paid. | Rate of dividends. |
|------------|----------------|----------------|--------------------|
| 1901 ..... | \$1,911,348 69 | \$768,212 52   | 8%                 |
| 1902 ..... | 1,816,477 12   | 784,023 46     | 8%                 |
| 1903 ..... | 2,289,556 13   | 840,295 74     | 8%                 |
| 1904 ..... | 2,589,404 37   | 934,155 49     | 9½%                |
|            | <hr/>          |                |                    |
|            | \$8,606,786 31 | \$3,326,687 21 |                    |
|            | <hr/>          | <hr/>          | <hr/>              |

| YEAR.     | Amount of dividends.  |         | Net surplus from such earnings. |
|-----------|-----------------------|---------|---------------------------------|
| 1901..... | \$1,200,000 00        | Deficit | \$56,863 83                     |
| 1902..... | 1,200,000 00          | Deficit | 167,546 34                      |
| 1903..... | 1,200,000 00          | Surplus | 249,260 39                      |
| 1904..... | 1,425,000 00          | Surplus | 230,248 88                      |
|           | <u>\$5,025,000 00</u> |         | <u>\$255,099 10</u>             |

The company derived a small income from investments and from sales of gas stoves, etc., amounting for the four years to \$229,321.59, making its total surplus from the entire operations of these years, after payment of interest on funded debt and dividends upon its stock \$484,420.69.

### *Operations of Subsidiary Companies.*

The operations of the subsidiary companies whose stock is owned by the Brooklyn Union Gas Company are relatively small and unimportant. They are without the purview of chapter 385, of the Laws of 1897, fixing the price of gas (Greater New York Charter, Section 1539).

The receipts and expenses of these companies for the year 1904 are as follows:

| NAME.   | Gas sales.  | Expenses.   | Surplus.   |
|---|-------------|-------------|------------|
| Woodhaven Gas Company,  | \$43,222 26 | \$33,664 76 | \$9,557 50 |
| Newtown Gas Company..   | 216,035 88  | 157,028 81  | 59,007 07  |
| Richmond Hill and<br>Queens County Gas<br>Light Company ..... | 56,719 62   | 39,474 12   | 17,245 50  |
| Jamaica Gas Company..   | 56,201 82   | 43,324 88   | 12,876 94  |
| Flatbush Gas Company:   |             |             |            |
| Gas sold .....  | 174,680 79  | 166,235 54  | 8,445 25   |
| Electric current sold...                                      | 105,917 67  | 66,715 61   | 39,202 06  |

### *East River Gas Company of Long Island City.*

The facts with reference to this company have already been given in connection with the New Amsterdam Gas Company, which owns its stock. It does not operate independently and

the earnings from the use of its property are included in the operations of the New Amsterdam Gas Company.

Apart from its claims of rights to maintain mains in New York city under chapter 338 of the Laws of 1892, it claims franchises in Long Island City through various assignments. Its rights under these assignments are questionable and should be judicially determined.

*The Kings County Electric Light and Power Company.—The Edison Electric Illuminating Company of Brooklyn.*

It is understood that the Edison Electric Illuminating Company of Brooklyn, controlled by the Kings County Electric Light and Power Company, is the only company save the Flatbush Company furnishing electric current in the borough of Brooklyn.

The Kings County Electric Light and Power Company was organized in 1890; it has a capital stock of \$5,000,000 and first mortgage bonds outstanding amounting to \$2,500,000. About 1898 it acquired all the stock (50,000 shares) of the Edison Electric Illuminating Company of Brooklyn, issuing therefor bonds secured by a purchase money mortgage for the sum of \$5,176,000. The property of the Edison Electric Illuminating Company of Brooklyn was taken subject to a mortgage securing outstanding bonds amounting to \$4,275,000, making the aggregate of the outstanding stock and bonds of the two companies \$16,951,000 as follows:

|  |                               |
|--|-------------------------------|
| Capital stock, Kings County Electric Light and Power Company .....         | \$5,000,000 00                |
| First mortgage 5% bonds Kings County Electric Light and Power Company..... | 2,500,000 00                  |
| Purchase money 6% bonds Kings County Electric Light and Power Company..... | 5,176,000 00                  |
| 4% bonds Edison Electric Illuminating Company.                             | 4,275,000 00                  |
| Total . . . . .  | <u><u>\$16,951,000 00</u></u> |

*Properties.*

The property of the Kings County Electric Light and Power Company, exclusive of special franchises, is thus set forth in its

Statement to the Department of Taxes and Assessments of the city of New York in March, 1901:

|   |                            |
|---|----------------------------|
| Total value of real property other than special franchises . . . . .                                | \$1,200,000 00             |
| Total value personal property, exclusive of stock of Edison Electric Illuminating Company . . . . . | \$8,884,464 38             |
| Less stock Edison Electric Illuminating Company taken at . . . . .                                  | 5,175,870 00               |
|   | <hr/>                      |
|   | 3,708,594 38               |
| Total . . . . .   | <hr/> <hr/> \$4,908,594 38 |

The combined property and construction accounts of the companies on December 31, 1904, amounted to \$14,315,472.63, franchises which is claimed to represent cash invested.

The companies claim to hold four special franchises originally granted upon specific conditions to the Citizens' Illuminating Company of New York, the Municipal Electric Light Company, the Kings County Electric Light and Power Company and the Edison Electric Illuminating Company of Brooklyn, respectively. The first two companies named were merged into the Edison Company.

*Income, Expenses and Profits.*

The Kings County Electric Light and Power Company leases its plant to the Edison Electric Illuminating Company, which operates it in conjunction with its own, and out of the gross earnings of both plants pays all expenses, including interest upon the funded debt of both companies, and pays over the net earnings of its operations to the Kings County Electric Light and Power Company.

The income account of the Edison Electric Illuminating Company of Brooklyn for the year 1904 shows:

|                                   |                |
|-----------------------------------|----------------|
| Total gross earnings . . . . .    | \$2,507,813 21 |
| Income from rentals, etc. . . . . | 5,346 28       |
|                                   | <hr/>          |
| Total income . . . . .            | \$2,513,159 49 |

|   |                |                |
|---|----------------|----------------|
| Operating, maintenance, renewal<br>and general expenses.....        | \$1,050,254 65 |                |
| Taxes and insurance.....  | 165,350 00     |                |
| Interest on loans, legal expenses<br>and accident damage claims.... | 18,919 66      |                |
| Doubtful accounts written off....                                   | 11,574 63      |                |
|   | <hr/>          | \$1,246,098 94 |
| Net earnings .....  |                | \$1,267,060 55 |
| Interest paid on funded debt of<br>\$11,951,000, as follows:        |                |                |
| Edison 4% bonds.....  | \$171,000 00   |                |
| Kings County 5% bonds.....  | 125,000 00     |                |
| Kings County 6% bonds.....  | 310,560 00     |                |
|   | <hr/>          | 606,560 00     |
| Surplus after payment of interest.....                              |                | \$660,500 55   |
|   |                | <hr/> <hr/>    |

This surplus of \$660,500.55, after paying interest upon the entire funded debt, was transferred to the Kings County Electric Light and Power Company, whose income account for the same year is as follows:

|  |              |              |
|--|--------------|--------------|
| Net earnings of Edison Company transferred....             | \$660,500 55 |              |
| Interest on guaranty funds, deposits, etc.....             | 46,927 00    |              |
|  | <hr/>        |              |
| Total .....  |              | \$707,427 55 |
| Dividends 2% (issued stock<br>\$3,750,000) :               |              |              |
| March 1, 1904.....   | \$75,000 00  |              |
| June 1, 1904.....  | 75,000 00    |              |
| September 1, 1904.....                                     | 75,000 00    |              |
| December 1, 1904.....                                      | 96,508 00    |              |
| (Increased stock.)   | <hr/>        | 321,508 00   |
| Net surplus after paying interest and divi-<br>dends ..... |              | \$385,919 55 |
|  |              | <hr/> <hr/>  |

The accumulated surplus after paying interest and dividends, at the end of the year 1904 was \$1,047,704.68.



The amount of current sold to consumers in the years 1903 and 1904 is as follows:

|                    | 1903.               | 1904.               |
|--------------------|---------------------|---------------------|
| Current sold ..... | 32,205,831 kw. hrs. | 35,062,019 kw. hrs. |

The income from current sold during these years and cost per kilowatt hour is as follows:

|                                    | 1903.             | 1904.             |
|------------------------------------|-------------------|-------------------|
| Income per kilowatt hours sold.... | 9.46 cents        | 8.80 cents        |
| Operating expenses .....           | 4.9938 cents      | 4.3163 cents      |
| Net earnings .....                 | <u>4.46 cents</u> | <u>4.38 cents</u> |

The amount paid in interest and dividends and remaining net surplus per kilowatt hour sold for the years 1903 and 1904 are as follows:

|  | 1903.             | 1904.             |
|--|-------------------|-------------------|
| Interest .....                                       | 2.7955 cents      | 2.2219 cents      |
| Dividends .....                                      | 1.0946 cents      | 1.1777 cents      |
| Surplus after paying interest and<br>dividends ..... | <u>.58 cents</u>  | <u>.99 cents</u>  |
| Total net earnings.....                              | <u>4.46 cents</u> | <u>4.38 cents</u> |

Prior to January 1, 1905, the retail schedule of the Edison Electric Illuminating Company of Brooklyn involved a gross charge of 20 cents per kilowatt hour, upon which discounts were allowed in proportion to the average total use of the consumers' installation. Since January 1, 1905, a retail schedule has been put in effect, making a minimum charge of 15 cents per kilowatt hour for the first two hours' average daily use and reduced charges, the rates being substantially the same as those charged in the retail schedule by the New York Edison Company. The wholesale charges of the Brooklyn Company vary somewhat from those of the New York Edison. Thirty-six per cent of the total revenue from commercial customers is under the retail schedule.

The Kings County Lighting Company (formerly Kings County Gas and Illuminating Company) operates in the Eighth, Thirtieth and Thirty-first wards of the borough of Brooklyn and in the borough of Queens.

The Brooklyn Borough Gas Company operates in the Thirty-first ward of the borough of Brooklyn (Coney Island, formerly the town of Gravesend).

The Newtown and Flushing Gas Company operates in the Third ward of the borough of Queens, commonly known as Flushing. In July last it was merged with the New York and Queens Gas Company.

The Queens Borough Gas and Electric Company operates in the Fifth ward of the borough of Queens and in the town of Hempstead, including the unincorporated villages of Inwood, Cedarhurst, Woodmere and Lynbrook, and the incorporated villages at Lawrence and East Rockaway.

The New York and Queens Electric Light and Power Company also operates in the borough of Queens.

The New York and Richmond Gas Company and the Richmond Light and Railroad Company operate in the borough of Richmond.

These companies do business for the most part under widely different conditions from those which obtain in the more congested portions of the city. Many of them have resulted from the merger of a number of small companies through which franchises are claimed. Their financial condition and the result of the operations for the past year are shown by statements which appear in the record. It is not necessary to present a summary of these statements in this report. It should be said, however, that as in the case of the other companies the claims of franchises should be subjected to judicial scrutiny, to the end that none of them should be longer allowed to exercise rights in the streets or highways to which they are not lawfully entitled. It is also important that these companies as well as the others should be brought under a comprehensive system of supervision as hereinafter recommended.

### *Municipal Lighting.*

In 1903, in accordance with the provision of the proposals for bids the Commissioner of Water Supply, Gas and Electricity referred the bids for city lighting to the Board of Estimate and Apportionment, calling attention to the absence of competition and to the charges for gas and electric lighting in the city of New

York as compared with those which obtain in other cities, the conclusion being reached that the charges in New York were grossly excessive. The Board of Estimate and Apportionment appointed a Committee consisting of the Mayor, Comptroller and the President of the Board of Aldermen, which reported to the Board of Estimate and Apportionment in December, 1903. In this report the Committee among other things said:

“The prices bid for open flame gas lamps range from \$12 per lamp per year bid by the New Amsterdam Gas Company, a subsidiary of the Consolidated Gas Company, to \$22 bid by the Central Union Gas Company, and \$24 by the Northern Union Gas Company (both companies under the control of the Consolidated Gas Company), and \$25 by the Newtown and Flushing Gas Company, Queens Borough Gas and Electric Company and Newtown Gas Company. The greatest number of open flame gas lamps in the city is, however, supplied by the Consolidated Gas Company at \$17.50 and the Brooklyn Union Gas Company at \$16 per lamp per year. These same prices have prevailed for many years, and while the wide range in charges may be accounted for to some extent by local conditions in different districts, the price in each district seems to be arbitrarily fixed by the company operating therein. There is no district where more than one independent company operates.

“The Consolidated Gas Company bids for 1903 for open flame lamps, \$17.50 per lamp per year, agreeing to furnish 22 candle power gas through a burner consuming three cubic feet per hour at a pressure not less than one inch. In the year 1882 the Metropolitan Gas Light Company, since absorbed by the Consolidated gas company, bid for such lights \$17.50 per lamp per year, agreeing to furnish gas of from 20 to 30 candle power through a burner consuming three cubic feet an hour at a pressure of not less than one inch. In the year 1882 the lowest price charged to private consumers in the borough of Manhattan was \$2.25 per 1,000 cubic feet. During the past 20 years the cost of manufacturing has been greatly reduced and the price charged to private consumers in this borough is today \$1 per 1,000 cubic feet. It is also difficult to see why the price bid in Manhattan should be above the bid of the Brooklyn Union Gas Company for the same service in most of the borough of Brooklyn, where

illuminating gas is sold to all private consumers at the same price as in Manhattan. On the other hand, for mantle lights the price named in Manhattan is \$29 per lamp per year, while the corresponding bid in Brooklyn is \$31.

"A proper adjustment of prices for mantle lights with a more extended use would, in our opinion, result in marked improvement in street illumination. We are in a position to state that such improvement can be attained, and that the leading gas companies will co-operate to that end. The Consolidated Gas Company, with its subsidiary companies, at present maintains in the boroughs of Manhattan and the Bronx between nineteen and twenty thousand open flame gas lamps, and somewhat less than five thousand incandescent gas mantle lamps. A mantle lamp, while consuming less illuminating gas, gives out three times as much light as the open flame burner. General use of the latter is consequently poor economy. If all the open flame burners in the boroughs of Manhattan and the Bronx were changed to mantle lamps and the Consolidated Gas Company were given a contract for supplying 22,500 and upward of the latter, that company would materially reduce the price now bid for such lights. It may also be practicable to have the gas company supply the illuminant alone, and leave to open competition the maintenance of the lamps themselves. By changing to mantle lights, the illumination to our gas lit streets can be more than doubled at a comparatively slight increase over the present cost. Power to make a long term contract, as previously recommended, would facilitate such a change and enable the city to secure the most favorable terms.

"The charge for 2,000 candle power electric arc lamps in Manhattan and the Bronx is \$146 per lamp per year. This is far above that which is charged in other cities in the United States for the same service. There are 5,050 arc lamps in service in Manhattan and the Bronx—2,234 are served by overhead wires and 2,816 are upon underground system. The same prices are bid for lamps on both systems. The prices bid for electric lighting of public buildings are also higher than the city should be compelled to pay. The New York Edison Company charges on the average 10.15 cents per kilowatt hour. The city is undoubtedly the largest customer of that company, but does not receive



as favorable terms as certain other customers in the borough of Manhattan. We are informed that the Edison Company is supplying current to some of their private consumers at from one-half to one-third the above rates. These consumers, of course, have the option of obtaining current from their own plants if the Edison rates are not made satisfactory—an option which the State Legislature ought certainly to grant to the city.

“The Edison Electric Illuminating Company of Brooklyn bids \$124.50 per year for a 1,200 candle power lamp and 14 cents per kilowatt hour for incandescent lighting in the public buildings.

“In every borough of the city the prices for electric lighting are, in our opinion, unreasonably high. We are unable to report that under existing conditions any of the lighting companies are willing materially to reduce their claims or charges for lights supplied during the present year, or that upon re-advertisement of the same proposals lower prices will be bid for lights furnished the city.

“We concur in the Commissioner’s recommendation that all bids received for 1903 public lighting be rejected, with this modification: that we recommend the acceptance of the lowest bid for open flame gas lamps, viz., that of the New Amsterdam Gas Company, at \$12 per annum. \* \* \* \* “We are firmly of the opinion that a city official is not justified in accepting a bid merely because the statutory requirements as to public advertisement have been complied with. The theory that the lowest competitive bid affords a practical test of what is a fair and reasonable price falls to the ground when there is no real competition. When a fair price for an article cannot be reached or even indicated by actual competition, the sum the city is to pay should be settled after investigation into the cost of production and delivery of the commodity supplied.

“Under section 149 of the Greater New York charter the Comptroller has power to settle and adjust all claims against the city, and through his ability to subpoena witnesses and compel them to testify under oath he has ample facilities for testing the correctness of any claim which may be filed with him. The companies which have provided public lighting during the current year should file their claims with the Comptroller. Any company



feeling aggrieved by his decision can doubtless recover by suit what it may be reasonably entitled to receive.

“While these various questions have been under discussion, the Comptroller has been ready and willing to pay eighty per cent. of all gas bills and sixty per cent. of all electric lighting bills without prejudice to the city or to the companies.

“In view of the recommendation made by this Committee to-day, to the effect that the bid of the New Amsterdam Gas Company for \$12 per lamp per year be accepted as the standard for open flame gas lamps, it is recommended that the Comptroller limit his payments on account, so far as open flame gas lamps are concerned, to \$12 per lamp, pending the adjustment of the question in dispute between the city and the companies.

“We again urge the recommendation made to the Legislature last March, that section 530 of the charter be so amended that the Commissioner of Water Supply, Gas and Electricity may make lighting contracts without public letting for a term not exceeding five years, when authorized by the Board of Estimate and Apportionment so to do, and also that a bill be passed empowering the city to establish and maintain an electric lighting plant for public purposes.”

This report was adopted by the Board and the bids, with the exception of the bid of the New Amsterdam Gas Company (which was made in accordance with the provisions of the franchise granted to the Equitable Gas Light Company one of its constituent companies), were rejected.

The then Commissioner of Water Supply, Gas and Electricity went out of office at the end of 1903 and his successor advertised for bids for city lighting in March, 1904. When the bids were opened they were found, with the exception of mantle gas lights in the boroughs of Manhattan and the Bronx, to be substantially the same as those of former years. In the case of mantle lamps in the two boroughs there was a provision for a price of \$24.75 per lamp on the basis of an order for 22,500, this being a substantial reduction from former prices. It was contemplated that by changing open flame gas burners to mantle lights, which was highly desirable, the minimum order required to secure the low rate could be given and this bid, upon the recommendation of the Board of Estimate and Apportionment was accepted.

The other bids covering electric lighting in all the boroughs and gas lighting in the boroughs other than Manhattan and the Bronx, remained in abeyance and in August, 1904, the then Commissioner of Water Supply, Gas and Electricity requested a report from the engineer of his department, which was duly made. In this report the subject of city lighting was carefully considered and the charges contrasted with those made elsewhere, and it was recommended that the bids should be rejected.

Notwithstanding this report and despite the formal action of the Board of Estimate and Apportionment in December, 1903, disapproving substantially similar bids, and although the matter by reason of the well-considered opinion that the bids were excessive had been permitted to remain long in abeyance, the then Commissioner of Water Supply, Gas and Electricity on October 31, 1904, signed all the pending contracts at the prices bid. This was done without consultation with either the Mayor, the Comptroller, the Corporation Counsel or any officer outside his own department and, according to his testimony, upon his sole responsibility. At the same time the back bills of the company for light furnished in 1903 and 1904 at the prices named in their bids for those years were certified by the Commissioner and forwarded to the Comptroller for payment. It is claimed by the Commissioner that he took this action because he had negotiated a contemporaneous agreement for a reduction in the prices for 1904 of electric current furnished by the New York Edison Company, the United Electric Light and Power Company and the Brush Electric Illuminating Company and for a waiver of interest upon back bills. The reduction stated was evidenced by letters under the same date as the contracts and was as follows:

“Underground 2,000 c. p. lamps from \$146 to \$140 per lamp per annum.”

“Overhead 2,000 c. p. lamps from \$146 to \$130 per lamp per annum.”

These reductions applied to about 3,929 lamps out of a total of about 12,709 lamps and amounted to about \$43,000 a year. The letters evidencing this agreement were not forwarded to the Comptroller with the contracts, but were subsequently submitted to him when called for, pursuant to a conversation with an officer of one of the companies in which the Comptroller was apprised

of their existence. The Comptroller requested that the agreement should be put in formal shape and as a result under date of December 3, 1904, supplemental agreements to this effect were executed.

The Commissioner of Water Supply, Gas and Electricity obtained no documentary evidence whatever of any arrangement to waive interest upon the back bills of any of the companies, nor was there any reference to such waiver even in the letters which were exchanged on October 31, 1904, or in the formal contracts subsequently executed. On the contrary, these contracts, providing for the reduction above stated, recited that the reduction was made in consideration of the payment of the back bills, without any suggestion of a release of interest where interest was collectible.

The Comptroller undertook to negotiate a release of interest in consideration of the payment of back bills, but in deference to public sentiment, which was strongly opposed to the payment of the back bills without contest and to the signing of the contracts by the Commissioner of Water Supply, Gas and Electricity, the Comptroller finally refused to pay the back bills and negotiations were abandoned. It is understood that the companies have taken the position that their contracts for 1904 are in effect and that the reduction in the case of certain arc lamps, as above stated, has not become effective by reason of the failure of the city to furnish the agreed consideration. It is claimed by the city officials that the agreement for the reduction in the case of the three companies was a part of the transactions embracing the signing of the contracts, and that the city is not bound by the latter. It will be noted, however, that in the case of the contracts with all other companies, apart from these three, there is no conditional stipulation for reduction and no appropriate evidence of any agreement affecting their terms. And it is also apparent that the reduction in the prices of the three companies was insignificant in comparison with the total amount called for by the contracts signed.

The action of the Commissioner in signing the contracts for 1904 deserves strong condemnation and has resulted in greatly embarrassing the city in its opposition to the payment of exorbitant prices. The mayor has disapproved the action of the Com-

missioner and by his orders the bids for similar prices for the year 1905 have been rejected.

## CONCLUSIONS.

### *Price of Gas, Pressure and Quality.*

From the evidence which has been presented we are satisfied that a price of seventy-five cents per thousand cubic feet will be fair to the consumer, and will afford to the companies after allowing the proper costs for manufacture and distribution, taking into consideration all the elements of such cost, a reasonable return upon their capital investment in their gas making business. This applies to the borough of Manhattan, the borough of Brooklyn and a large part of the borough of the Bronx. In our opinion it would not be just to make such a rate applicable to the more sparsely settled sections of the city of New York, in which, owing to local conditions, the cost of manufacture and distribution is necessarily higher.

The investigation has shown clearly that by increasing the pressure a quality of gas poorer than the standard required by law may be made to furnish a required degree of illumination, thus entailing an increased consumption at an increased cost to the consumer. In order that the consumer may benefit by the reduction of the price of gas, it is important that the degree of pressure should be effectively regulated. The evidence has also shown that there is at present no official inspection in any borough of the city except Manhattan, and that the inspection in the last named borough is too infrequent to be adequate. Provision should be made for a system of inspection insuring a supply of pure gas in accordance with the legal standard and its accurate measurement at the meter. This inspection should be made by officials of the city at the city's expense.

### *Price of Electric Current.*

We are also satisfied that electric current can be furnished for light, heat and power purposes at a maximum price of ten cents per kilowatt hour for the current actually consumed, and that this rate will permit a proper return to the companies, over and above all elements of cost, upon their actual investments in the



business. We also think that there should be an adequate system of inspection, particularly of meters, so as to assure a charge only for the actual current furnished.

### *Municipal Lighting.*

At the time the resolution for this investigation was introduced in the Senate the fact that contracts had been signed for municipal lighting for 1904 had but recently become public. Since that time the action of the Commissioner in signing the contracts has been disapproved, and the city has taken the position that the contracts are not binding upon it. It has also refused to accept the bids at similar prices for the year 1905. The question of the city's liability for lights furnished in the years 1903 and 1904 is now before the courts. In our judgment there is nothing, so far as the past is concerned, requiring legislative action.

As to the future, the price to be paid for gas lights may properly be left to the action of the city's officers.

With regard to electric current for arc lamps, however, we are of the opinion that the price per lamp of the enclosed arc lamps for street lighting of 2,000 candle power, consuming at the arc 450 watts of electric current, should not exceed \$100 per lamp per year; and that the price of twin lamps, that is, two lamps suspended from a single post and consuming each 250 watts at the arc, should not exceed \$65 each per lamp per year.

We are also of the opinion that the city should be given authority to utilize water power, now owned or hereafter acquired by it, for the purpose of generating electric current for the use of the municipality, provided that no additional water shall be used for said purposes than would otherwise be required by the city. We are advised that there will be no difficulty in utilizing the water power of the city for the purpose of generating electric current for its use without increasing the total consumption of water by the city.

### *Franchises.*

As had been noted, serious questions are presented to the extent to which the companies are entitled to use the streets of the city. This is a matter peculiarly within the control of the city authorities and the validity of the franchises that are claimed is a subject for judicial determination. No action by



the Legislature is recommended, as the laws already in force, if properly invoked by the local authorities, are adequate to meet the demands of the situation.

*Supervision of Public Service Corporations.*

It is manifest that the conditions disclosed by the testimony make it necessary that the operations of the companies supplying gas and electricity, as well as those engaged in other public service, should be the subject of constant and effective supervision by a body paid by the State and clothed with power to execute its orders, subject to suitable review by the courts upon appeal. The gross abuse of legal privilege in over-capitalization and in the manipulation of securities for the purpose of unifying control and eliminating all possible competition shows clearly that there can be no effective remedy by general legislation or through ordinary legal proceedings; and that for the protection of the public there should be created a commission with inquisitorial authority, competent to make summary investigations of complaints, to supervise issues of securities and investment in the stocks or bonds of other companies, to regulate rates and to secure adequate inspection; and otherwise to enforce the provisions of law. The history of the subway companies affords an apt illustration of the futility of carefully phrased contracts executed in pursuance of express legislation in the absence of an effective scheme for regulation. The failure of general provisions prohibiting the consolidation of corporations is conspicuously shown by the manner in which the provisions of the charter of the New York Mutual Gas Light Company and of the act of 1886, regarding the Standard Gas Light Company, have been evaded. The investment of millions in securities earning no dividends and intrinsically worthless, solely for the purpose of securing monopoly control, points to the necessity of strict supervision in this regard. The plan of providing a commission paid by the State and invested with ample power has worked most satisfactorily in other States, and there is every reason to believe that a similar plan put in operation here will prevent a recurrence of the mischiefs revealed in this investigation.

*Specific Recommendations.*

We therefore recommend:

(1) That the price of gas sold in the boroughs of Manhattan and Brooklyn and in that part of the borough of the Bronx west of the Bronx river should be fixed at a maximum of seventy-five cents per thousand cubic feet.

(2) That the pressure of gas in any of the street mains should not be permitted to exceed two and one-half inches or to be less than one inch.

(3) That the standard of purity and of illuminating power of gas be fixed.

(4) That a proper system of inspection be provided to secure the enforcement of the law with reference to pressure, purity, illuminating power and accurate measurement of the gas delivered.

(5) That the price of electric current for heat, light and power purposes in the boroughs of Manhattan and Brooklyn and in that part of the borough of the Bronx west of the Bronx river should be fixed at a maximum of ten cents per kilowatt hour of current actually consumed, and that provision should be made for inspection to secure accurate metering.

(6) That the price of arc lamps for street lighting in the city of New York should be fixed at \$100 per lamp per year for single arc lamps of 2,000 candle power, consuming 450 watts at the arc, and that the price of twin arc lamps, consuming 250 watts each at the arc should be fixed at \$65 each per year.

(7) That the city of New York be given authority to utilize water power, now owned or hereafter acquired by it, for the purpose of generating electric current for the use of the municipality, provided that no additional water shall be used for said purposes than would otherwise be required by the city.

(8) That provision should be made for the creation of a commission, the members of which should be appointed by the Governor, with the consent of the Senate, to be paid by the State and to have general supervision of all persons and corporations having authority to lay or erect and maintain wires or pipes for the purpose of furnishing gas or electricity for light, heat or power; with power to investigate and ascertain the character of the service and reasonableness of charges and the methods em-

ployed in manufacture and distribution in the maintenance of works and distributing systems, and to enforce the provisions of law applicable thereto; to prescribe methods of keeping accounts; to examine the corporations under its supervision; to require annual reports; to examine books and papers and compel their production; to subpœna witnesses and to take testimony; to supervise issues and increases of securities, investments in the stocks or bonds of other companies, and transfers of franchises; and to regulate rates within the limits prescribed by law. It should be provided that the orders of said commission on confirmation by the Supreme Court at Special Term should be enforceable by punishment for contempt in case of disobedience.

Bills to carry out these recommendations will be presented.

Respectfully submitted.

FREDERICK C. STEVENS,

*Chairman.*

ALFRED R. PAGE,

JAMES K. APGAR,

GEORGE B. AGNEW,

EDWIN A. MERRITT, JR.,

*Committee.*

Dated, ALBANY, N. Y., *April 29, 1905.*

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(No. 16.)

IN ASSEMBLY, *May 2, 1905.*

Mr. C. R. Matthews offered for the consideration of the House a resolution, in the words following: ·

Whereas, Measures have been presented for the consideration of the Legislature having for their purpose the enactment of laws providing for a compulsory attendance school law among the several tribes of Indians of the State; for the enforcement of the contractual obligations of Indians; for the extension and application of the provisions of law relating to the jurisdiction, power and authority of the surrogate's courts over Indians and their property; and other matters relating to the general welfare of the Indians of the State; and

Whereas, A large award has been made and is about to be distributed by the national government to the Indians comprising

the Six Nations, and the Federal statute providing therefor contemplated the enactment of laws by this State regulating the control and management of the persons and property of said Indians who are minors and incompetents, and such distribution cannot be made until such laws have been enacted; and

Whereas, It appears that by reason of the existing treaties between such several Indian tribes and the State the Legislature is without jurisdiction or authority to enact these proposed measures or other measures having for their object the improvement of the educational, social, moral and industrial condition of the Indians; and their interests demand legislation of this character; and that a large proportion of the members of the several Indian tribes are desirous that the existing treaties be so modified as to confer upon the State additional legislative control over the affairs of the Indians; now, therefore, be it

Resolved, That the Speaker of the Assembly appoint five members thereof to constitute a special committee for the purpose of investigating and ascertaining the extent of the powers now possessed by the State to regulate and control the affairs and property rights of the Indians; what additional legislative powers and control over the Indians should be conferred upon the State by treaty and to what extent the several Indian tribes will consent thereto; and what legislation is demanded to meet the conditions now existing among said Indians. Said committee may hold its sessions in any part of the State and shall possess all of the powers conferred by law upon a legislative committee. It is hereby authorized to employ counsel and a stenographer and shall make a report of its proceedings, together with its conclusions and such proposed legislation as it deems necessary, to the Legislature on or before the first day of February, 1906. The expenses hereby authorized shall not exceed the sum of two thousand five hundred dollars (\$2,500), and shall be payable out of the moneys appropriated for the contingent expenses of the Legislature upon the certificate of the chairman of the committee.

Which was read and referred to the committee on rules.

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(No. 17.)

IN ASSEMBLY, *May 5, 1905.*

The committee on ways and means introduced a bill entitled "An act making an appropriation for certain expenses of government and supplying deficiencies in former appropriations" (Int. No. 1603), which was read the first and second time, and by



unanimous consent the rules were suspended and said bill ordered to a third reading, passed under an emergency message, and ordered printed.

AN ACT making an appropriation for certain expenses of government, and supplying deficiencies in former appropriations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds properly chargeable therewith, to the persons, and for the objects indicated in this act, the amounts named, or such part of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated, but no warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same.

#### LEGISLATURE.

For the lieutenant-governor, for extra stenographic and clerical services, one thousand dollars (\$1,000).

For the speaker of the assembly, for extra stenographic and clerical services, one thousand dollars (\$1,000).

For the ways and means committee, for extra stenographic and clerical services, five hundred dollars (\$500), payable upon the certificate of the chairman of said committee.

For the finance committee, for extra stenographic and clerical services, five hundred dollars (\$500), payable upon the certificate of the chairman of said committee.

For the clerk of the senate, twelve thousand five hundred dollars (\$12,500), to be paid by the comptroller for contingent expenses of the legislature of nineteen hundred five, and to be expended upon the approval of the temporary president of the senate.

For the clerk of the assembly, fourteen thousand five hundred dollars (\$14,500), to be paid by the comptroller for the contingent expenses of the legislature of nineteen hundred five, and to be expended upon the approval of the speaker.



For the clerks, for the preparation of the session indices and digests for the legislative session of nineteen hundred five, thirty-two hundred dollars (\$3,200), or so much thereof as may be necessary, to be paid upon the certificate of the temporary president of the senate or the speaker of the assembly.

For compiling, revising, annotating and indexing the rules of the senate and the assembly and the parliamentary precedents thereunder, twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary, the same to be expended under the direction of the president of the senate and the speaker of the assembly.

For Charles J. Dodd, for personal expenses and counsel fees incurred in the contest by J. Harvey Waite for the seat of the sixth assembly district of the county of Kings, twenty-five hundred dollars (\$2,500), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For Thomas F. Mathews, for personal expenses and counsel fees incurred in the contest by Samuel J. Palmer for the seat of the thirteenth assembly district of the county of Kings, fifteen hundred dollars (\$1,500), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For E. Cook and T. F. C. Clary, counsel to the committee on privileges and elections, for counsel fees in the contest of Waite versus Dodd, and in the contest of Palmer versus Mathews, two thousand dollars (\$2,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For deficiency in appropriation for advances by the comptroller to the clerk of the assembly for contingent expenses, including stationery, printing and other supplies, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For Henry B. Coman, in full for services, upon the retainer of the committee on judiciary of the assembly, in the investigation of the accusations against Warren B. Hooker a justice of the supreme court, in pursuance of a resolution of the assembly, adopted February first nineteen hundred five, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the payment of the fees and services of the stenographer employed by the committee on judiciary of the assembly, in the investigation of the accusations against Warren B. Hooker a justice of the supreme court, in pursuance of a resolution of the assembly adopted February first, nineteen hundred five, and to pay for extraordinary services of the clerk and attendants to said committee upon such investigation, and to pay the expenses of the members of said committee in connection with such investigation, all to be audited by the comptroller upon the certificate and approval of the chairman of said committee and the speaker of the assembly, eight thousand five hundred dollars (\$8,500), or so much thereof as may be necessary.

For the payment of the expenses of the joint committee of the senate and assembly appointed pursuant to resolution dated March fourteenth, nineteenth hundred five, for the purpose of investigating and examining into the organization and operation of gas and electric lighting companies in the city of New York, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to be paid upon the rendering of itemized bills, duly verified by the claimants, and certified to by the chairman of the joint committee of the legislature, and after due audit by the comptroller. This appropriation is additional and supplemental to the amount appropriated in the annual supply bill of nineteen hundred five.

For deficiency in the appropriation for the legislative bill drafting department, three hundred dollars (\$300), payable upon the certificate of the temporary president of the senate and the speaker of the assembly.

#### SECRETARY OF STATE.

For L. L. Shedden, for services rendered as counsel and attorney for the secretary of state in the proceedings brought by the Greater New York democracy to compel the secretary of state to file certain election returns, and in the litigation growing out of the application made by the regular democracy to prevent the filing of the certificate of the social democracy, three hundred dollars (\$300), or so much thereof as may be necessary.

## COMPTROLLER.

For the comptroller, for enforcing the provisions of chapter two hundred forty-one laws of nineteen hundred five, the stock transfer tax act, for services of employees, for dies, plates and printing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary expenses, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary.

For the comptroller, for construction of mezzanine floors, for the removal of partitions made necessary by the increased work for the several tax bureaus of the office, and for furniture and other necessary expenses connected therewith, five thousand dollars (\$5,000), or so much thereof as may be necessary.

The sum of forty-nine thousand two hundred eighty-three dollars and nineteen cents (re. \$49,283.19), being the unexpended balance of appropriation made by chapter five hundred forty-one, laws of nineteen hundred three, for the acquisition of a site for a state hospital for the insane in the northeastern part of the state, north of the county of Rensselaer, and for the preparation of plans for such hospital, is hereby reappropriated for the same purpose, and to be paid in the same manner as provided in said act.

## THE ATTORNEY-GENERAL.

For Matthew Bender and company, for rebinding law books in the law library of the attorney-general, in the year nineteen hundred two, one hundred seventy-three dollars and twenty-five cents (\$173.25), or so much thereof as may be necessary.

For the services and expenses of counsel and other persons employed by the attorney-general in the investigation, conducted by direction of the governor, of alleged trespasses in the forest preserve, eight hundred ninety-five dollars (\$895), or so much thereof as may be necessary.

## STATE ENGINEER AND SURVEYOR.

For the state engineer and surveyor, for the purpose of carrying out the provisions of chapter one hundred fifteen, laws of eighteen hundred ninety-eight, in relation to the improvement of public highways by state aid, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

## DEPARTMENT OF EDUCATION.

For the printing of department bulletins not contained in the annual reports, ten thousand dollars, or so much thereof as may be necessary, payable from the appropriation for legislative printing.

## DEPARTMENT OF AGRICULTURE.

For reimbursement to the Union agricultural and horticultural society (Trumansburg), for moneys paid for prizes offered as premiums at its fair, in the year nineteen hundred three, three hundred twenty-seven dollars and thirty cents, said sum to be paid from the moneys appropriated by chapter six hundred thirty-six, laws of nineteen hundred four.

## STATE DEPARTMENT OF EXCISE.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, including unused pharmacists' stamps, which the state commissioner of excise is hereby authorized to redeem and pay at the face value thereof, under the provisions of section twenty-five, so far as applicable, provided that no stamps shall be redeemed unless the holder thereof in his application for such rebate shall show by his sworn statement that he has not violated the liquor tax law since the issue of said stamps to him, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the part payment of the salary of the confidential clerk, Brooklyn office, for the fiscal year ending September thirtieth, nineteen hundred five, eighty-three dollars and thirty-three cents (re. \$83.33); and for the fiscal year ending September thirtieth, nineteen hundred six, two hundred dollars (re. \$200), being a portion of the unexpended balance of the appropriation made by chapter seven hundred twenty-eight, laws of nineteen hundred four, for clerical help in the Brooklyn office, are hereby reappropriated for the purposes above specified.

## FOREST, FISH AND GAME COMMISSION.

For the deficiency in the appropriation for the current fiscal year for salaries of five assistant fire wardens, six hundred dollars (\$600), or so much thereof as may be necessary.



## NATIONAL GUARD.

For the adjutant-general, for repairs and maintenance of the naval militia vessel "Aileen" and launches and for allowance to officers and organizations of the naval militia, three thousand seven hundred seventy-six dollars and eighty-two cents (\$3,776.82), or so much thereof as may be necessary.

## PRINTING.

For the Argus company, for printing two lots of preliminary drafts of the mortgage tax bill, to be submitted to the legislature of nineteen hundred three, pursuant to order from executive department, sixty-one dollars (\$61).

To the contactors for the legislative printing for the year nineteen hundred three, for printing and binding twenty-five hundred copies of the annual report of the fiscal supervisor, one thousand copies bound in paper covers and fifteen hundred copies bound in cloth, pursuant to assembly resolution April second, nineteen hundred three, three hundred eighteen dollars and thirty-two cents (\$318.32), and for reprinting eleven hundred forty copies assembly bill number eight hundred sixty-nine, retaining the original numbers, per order of assembly clerk, fifty-eight dollars and seventy-five cents (\$58.75).

For the printing of five thousand copies of the final report of the commissioners of the state of New York at the Louisiana purchase exposition held at Saint Louis in the year nineteen hundred four, to be distributed as follows: thirty to each senator, twenty to each member of assembly, three hundred to state officers, and two hundred to the commissioners; and the printing of ten thousand copies of the publication entitled "The Birds of New York," prepared under the direction of the education department, to be distributed as follows: thirty to each senator, twenty to each member of assembly, and the balance to the state museum; and for continuing the printing of ten thousand copies of the nature-study and extension bulletins during the current year, to be included in the report of the commissioner of agriculture, and to be distributed as he may direct; and the printing of ten thousand copies of the appendix accompanying the seventh report of the forest, fish and game commission, to be distributed as



follows: sixty-five copies to each senator and forty-five copies to each member of assembly for nineteen hundred five; all of which are hereby legalized and confirmed, and shall have the same force and effect as if the work therein ordered had been ordered by statute; said work to be performed by the contractor for legislative printing for the year commencing October first, nineteen hundred three; and to be paid for at the amounts audited by the comptroller; and the amounts so audited and allowed to be paid upon the filing of the proper receipts in full for said items; the sum of fifty thousand dollars, or so much thereof as may be necessary, payable from the appropriations heretofore made for legislative printing.

For the printing of one thousand copies of senate bill number four hundred six, and the printing of three hundred extra copies of senate bill number one hundred twenty-six as ordered by resolution of the senate on February sixteenth, nineteen hundred five; and the printing of one hundred extra copies of all senate calendars, as ordered by the senate April thirteenth, nineteen hundred five; and the printing of two thousand copies of senate bill number ten hundred thirteen, as ordered by the senate April seventeenth, nineteen hundred five; and the printing of one thousand copies of senate bill number eight hundred ninety-two, as ordered by resolution of the senate April seventeenth, nineteen hundred five; and the printing of thirty extra copies of senate bill number nine hundred eighty-five, by direction of the finance committee; and the printing of seven hundred fifty-nine copies of the proceedings of the joint committee of the senate and assembly appointed to investigate and examine into the organization and operation of the gas and electric lighting companies, et cetera, as ordered by said committee; and the printing of fifteen thousand copies of the special highway committee reports, pursuant to joint resolution of the senate and assembly; and the printing of three hundred fifty additional copies of each assembly bill and two hundred additional copies of each senate bill during the session of the legislature, as ordered by resolution of the assembly, January twenty-sixth, nineteen hundred five; and the printing of one thousand copies of assembly bill number one hundred eighty-nine, ordered by resolution of the assembly February fifteenth, nineteen hundred

five; and the printing of five hundred copies of assembly bill number four hundred sixty-one, as ordered by resolution of the assembly, February fifteenth, nineteen hundred five; and the printing of five hundred copies of assembly bill number thirty, ordered by resolution of the assembly, February fifteenth, nineteen hundred five; and the printing of five hundred copies of assembly bill number nine hundred fifty-one, as ordered by resolution of the assembly March eighth, nineteen hundred five; and the printing of twenty-five hundred additional copies of the annual report of the fiscal supervisor of state charities for the year nineteen hundred five, as ordered by resolution of the assembly March fourteenth, nineteen hundred five; and the printing of thirty copies of assembly bill number four hundred twenty-nine and assembly bill number eighteen hundred sixty-eight by direction of the ways and means committee; and the printing of five thousand copies of senate bill number ten hundred thirteen, as ordered by resolution of the assembly April sixth, nineteen hundred five; and the printing of one thousand copies of the report of the special Adirondack investigating committee of the assembly of nineteen hundred four, as ordered by resolution of the assembly April twelfth, nineteen hundred five; and the printing of seven hundred fifty-nine copies of the proceedings of the judiciary committee of the assembly in connection with the matters of Justice Warren B. Hooker, as ordered by the committee; all of which are hereby legalized and confirmed, and shall have the same force and effect as if the work therein ordered had been ordered by statute; and shall be paid for at the amount audited by the comptroller, in accordance with the contract rate price fixed therefor in the contract for legislative printing for the current fiscal year, which amount, when so audited and allowed, shall be paid upon the filing of proper receipts in full for said items, twenty-five thousand dollars, or so much thereof as may be necessary, to be paid from the appropriation for legislative printing for the current fiscal year.

#### DEPARTMENT OF PUBLIC WORKS.

For draining Gorman swamp and clearing out Black brook, which flows through state lands in Seneca county, five thousand dollars (\$5,000), or so much thereof as may be necessary, said

work to be done under the direction of the superintendent of public works; no part of the moneys to be expended until a release is obtained from and executed by each of the owners of property through which the brook flows, releasing the state from any and all claims for damages by reason of anything done or to be done under this act.

For relaying, repairing, cleaning out and reconstructing a drain in the village of Middleport, in the county of Niagara, beginning at Main street, in said village, and running thence through State street into culvert number one hundred five under the Erie canal in the eastern part of said village, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For repairing the breakwater in Seneca lake known and designated as breakwater C as shown on plans for the improvement of Watkins harbor under chapter six hundred ninety-seven, laws of eighteen hundred ninety-nine, on file in the office of the superintendent of public works or in the office of the engineer of the western division at Rochester, situate in the harbor at Watkins on the Chemung canal and in Seneca lake; and also for repairing the breakwater in Seneca lake just north or northeast of the Northern central railway passenger and freight stations, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

#### RAILROAD COMMISSION.

For the board of railroad commissioners, to carry into effect the provisions of chapter seven hundred fifty-four, laws of eighteen hundred ninety-seven, entitled "An act to amend the railroad law and the acts amendatory thereof relative to grade crossings," and the acts amendatory thereof, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

For the board of railroad commissioners, for additional salaries and expenses, twenty-six thousand dollars (\$26,000), to be expended as follows:

For the salaries of two additional commissioners, eight thousand dollars each.

And for the additional traveling expenses of the commissioners, secretary, assistant secretary, inspectors, accountants, electrical and other experts, stenographers and clerks; and remunera-

tion of engineers, accountants, experts and clerks whose services may be deemed of temporary importance in accordance with section one hundred fifty-three of the railroad law; and the necessary office expenses, including rent and expenses of the New York office, books and supplies of the commission, ten thousand dollars, or so much thereof as may be necessary.

The said amount of twenty-six thousand dollars, hereinbefore stated under this title, to wit: "railroad commissioners," shall be refunded to the treasury by the several corporations owning or operating railroads in this state in such manner and proportion as is prescribed by law.

### TAX COMMISSIONERS.

For the state board of tax commissioners, for their expenses in enforcing the provisions of the "Act to amend the tax law in relation to taxation of debts secured by mortgages," for services of employees, for printing, postage, expressage, stationery and other necessary expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

### MISCELLANEOUS.

The sum of two thousand one hundred fifty dollars (re. \$2,150), or so much thereof as may be necessary, being a portion of the unexpended balance of appropriation made by chapter six hundred forty, laws of nineteen hundred four, is hereby reappropriated for the expenses of the Louisiana purchase exposition commission, state of New York, incurred after March first, nineteen hundred five, in closing up the affairs of the commission and compiling its report, including salaries of secretary and clerk.

For Doctor W. C. Phelps, for surgical services rendered at the Thomas orphan asylum on or about May, nineteen hundred one, in amputating the arm of Laura M. Neiser, an employee of said institution, one hundred fifty dollars (\$150), said amount to be paid on the approval of the superintendent and audit of the comptroller.

For the New York state commissioners of the Lewis and Clark centennial exposition in defraying the general expenses of said commission and for transportation of exhibits to Portland,

Oregon, and return, and for such other expenses as may be required in the work of said commission including actual necessary and traveling and other contingent expenses incurred by the said commission, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the New York bay pollution commission, created pursuant to chapter five hundred thirty-nine, laws of nineteen hundred three, for expenses in continuing the work of investigating sewage pollution conditions of New York harbor and vicinity, in accordance with its report and recommendations made March thirty-first, nineteen hundred five, one thousand dollars (\$1,000), or so much thereof as may be necessary; and for such purpose the life of said commission is hereby extended to and until April thirtieth, nineteen hundred six.

§ 2. This act shall take effect immediately.



## PLAN OF INDEX.

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This Journal is indexed upon the following plan :

1. Every bill relating to a locality may be found indexed under the name of that locality and ordinarily will not be found indexed under the subject to which it relates.

2. All bills relating to Kings county will be found under the Borough of Brooklyn, and all bills relating to Greater New York under New York City and Boroughs of Manhattan, Bronx, Brooklyn, Richmond and Queens.

3. Every general bill will be found indexed under the proper subject.

4. Every resolution, excepting those recalling bills, will be found under "Resolutions."

5. Every bill relating to canals will be found under "Canals."

6. The bills relating to general laws under the proper heads, i. e., "Banking Law," "Benevolent Orders Law," "Game Law," "Lien Law," "Revised Statutes," &c., &c., also under the head "General Laws."

7. All claim bills under "Claims."

8. Bills relating to cities of either class under "Cities of 1st Class," "Cities of 2d Class," &c., &c.

9. All code amendments under the heads of "Code Civil," "Code Criminal," and "Code Penal."

10. All petitions under "Petitions," and reports under "Reports."

11. All points of order under "Points of Order."

12. All decisions and acts of Speaker under "Speaker."

13. Privileges of floor under "Privilege."

14. All matters not relating to bills under the proper head.

15. The numbers used in this index, viz.: "Int. No.," refers to Assembly bill and its introductory number, and when "Rec. No." is used, it refers to a Senate bill and its reception number.

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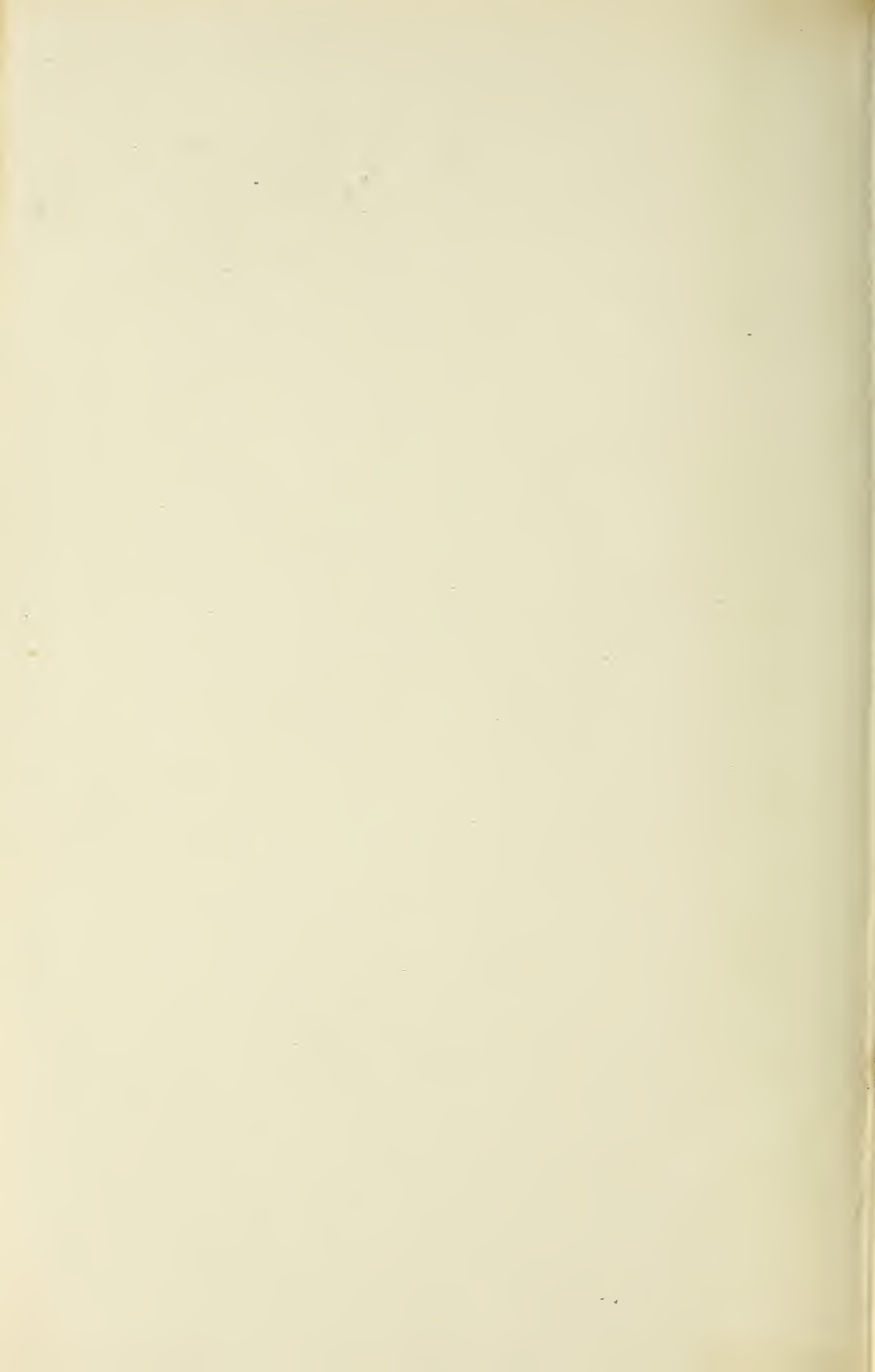


















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